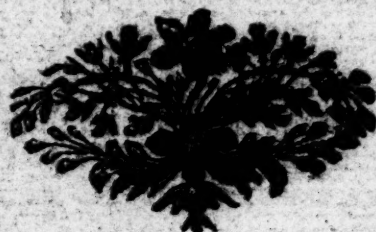


162

THE
C A S E
O F
HENRY SIMONS,
A Polish Jew Merchant; */b*

And his
APPEAL to the PUBLIC
thereon.

Now publish'd, with the
TRYAL at CHELMSFORD,
for the BENEFIT of Him and his
unhappy Family.



L O N D O N
Printed, and sold by all the Bookfellers and
Pamphlet Shops in Town and Country. 1753.

Price One Shilling and Six Pence.

193

C A S E

HENRY SIMONS

A Public Law Merchant;

And his

APPEAL to the Public

thereon.

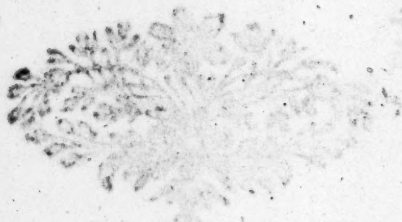
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for the Benefit of Him and his



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T O T H E
P U B L I C .

HENRY SIMONS, the Object before you, is a Native of *Ostrog* in *Volinia*, near the *Ukraine*, in *Poland*, and of a very good *Jewish* Family, for many Years past settled there, he (being early in Life bred to Trade) about Seven Years ago came into *England*, and then brought with him upwards of *Three hundred Ducats*, which he soon expended at *London* and *Bristol*, by purchasing the Manufactures of this Kingdom, with which he returned to *Poland*, where he sold them to Profit. The Advantage arising from his first Expedition induced him to a second Trial, flattering himself with the Hopes of Success equal to his former Undertaking; but, alas! this Journey proved very fatal to him, as will too evidently appear in the following plain Relation of the *Hardships* and *Cruelties* he has experienced since his Arrival in this Country. On the 8th of *August*, 1751, this Man came from *Holland* to *Harwich*; but, before he was permitted to go a-shore, he was examined by the proper Officer on board, who, in his Search, found nothing contraband; but, observing a Belt round his Body, with a Purse or Bag fastened thereto, his Curiosity led him to search that, but finding it contained a large Quantity of *Ducats* only, he permitted him to go from on board. With these Ducats, which amounted to Five hundred fifty-

four, he came to *London*, on the 12th Day of *August* 1751, and was recommended to lodge at the House of one *Berend Abrahams* in *Dukes Place*; here he was daily cheapening and marketing for various Commodities, till he determined to go on a Journey to *Bristol*, hoping to purchase Goods there at a greater Advantage than he could do in *London*. About Noon, on the 20th Day of *August*, he sat out in his *Polish* Garb, on foot, for *Bristol*; but, when he had got a little beyond *Hounslow* (it being rainy Weather, and finding his Feet sore and very much blistered) he resolved to return to *London*, and defer his going to *Bristol* for another Week, fearing, that so long a Journey in so unkind a Season, might not only greatly fatigue him, but probably prejudice his Health. In his Return to *London* he called at the House of one *Charles Ricketts*, who keeps the Sign of the *Rose and Crown* at *Smallbury Green*, where he enquired for Lodgings; but instead of meeting that Civility and good Usage which is due from Man to Man, and especially to *Strangers and Foreigners*, Persons entirely unacquainted with the Customs and Manners of the Country, he was treated with the utmost Ill-nature by the Landlord of the House. Whilst *Simons* was standing at the Door of this House, one *Thomas Ashley*, a Gardiner at *Isleworth*, who was greatly intoxicated with Liquor, came out with a Pint of Beer in his Hand, and said something in *English*; which *Simons* not understanding, he very innocently shook his Head. This, *Ashley* construing as an Affront, he without Ceremony thrust the Pint of Beer in *Simons's* Face, and pulled him by the Beard: This is one of the most unpardonable Insults that can be offered a Foreigner of his Religion; and therefore expecting something worse from a Person of *Ashley's* Stamp, he thought it

it most prudent to quit the Place quietly in quest of Hospitality and good Manners.

This sudden Departure irritated *Ashley* the more, who immediately followed him, as well as his Drunkenness would permit him, cursing and swearing all the Way, and calling out, *Stop Thief*; so unexpected a Noise alarmed *Simons*, who had so great a Charge of Money about him, and perceiving *Ashley* coming towards him as fast as he could, he relied on his own Speed and endeavoured to save himself by Flight, and luckily perceiving four Men on Horseback making up, he ventured betwixt their Horses, confiding in their Generosity for Protection and Assistance.

To the Honour of these Gentlemen (as *Englishmen*) be it spoken, he did not sue in vain for Succour; for they, observing the Distress and Anxiety he was in, generously prevented the Injury he would otherwise have suffered from *Ashley*, had he overtaken him. Mr. *Wright* of the *Temple Meuse*, one of the Number, asked the drunken Man, what was the Meaning of his crying out, *Stop Thief*, to which he replied, that the *Villain* (meaning *Simons*) had robbed him of his Beer. Upon this Declaration Mr. *Wright* said, if he had drank of his Beer he would call himself and pay for it, but if he attempted to pursue him any farther, he would horse-whip him; which *Ashley* not regarding, still endeavoured to follow the poor Man, but his Foot slipping, he fell down in the Road. This Opportunity *Simons* made use of to get clear off, and his Protectors generously stayed in the Road by *Ashley*, till they saw him under Cover of the Houses at *Brentford*.

Ashley being unable to rise, through Drunkenness, the Gentlemen went to the *Rose and Crown*, and Mr. *Wright* enquired of the Landlord, the

Meaning of *Ashley's* Behaviour to the poor Foreigner, which he said, was very cruel and unjust, and desired to know if he had behaved ill, by calling for Beer and not paying his Reckoning; but the Landlord said, he had in no wise behaved ill to any-body, and as he had drank no Beer, there was nothing for him to pay.

Simons lay that Night at the House of Mrs. *Mary Ridgeway* at *Brentford*, and on the Morrow left that Place and came to his Lodgings in Town, where he stayed till the 28th of *August*; and then the Blisters on his Feet being well, and the Weather, which had continued wet for several Days becoming fair, sat out again on his Journey to *Bristol*, with the *Five hundred fifty-four Ducats* in his Belt, which was round his Body. In his way thither, he called at the House of Mr. *J—b G—d*, an Inn-keeper, at *C—d-B—e*, with the *Five hundred and Fifty-four Ducats in his Belt*, and in the best manner he could, made them understand he wanted a Lodging; but Mr. *G—d* and Mrs. *P—n* his N—e, not liking his Appearance and Dress, did not chuse he should stay there. What a mortifying Circumstance must this be to a Man in the midst of Strangers! in a Country, the Language of which he does not understand, with a large Sum of Money about him, Night creeping upon him, only one other House in the Place where he could lodge, and even there he had been already refused Admittance. In this unhappy Dilemma, he knew not what to do; however, to convince *G—d* and his N—e that he was clean, he immediately shewed them his Arm and Bosom; but this having no Effect, and he suspecting no Ill from those he deemed (and as in Justice they ought to have been) his Protectors, turned the Purse of his Belt round, and took out several of
his

his Ducats and shewed them, that they might have no Fear of his Inability to pay his Reckoning.

When G——d and his N—e perceived that *Simons* had a Charge of Money about him, a Bed was ordered to be made for him, and as he was somewhat fatigued with walking, he went to Bed early; where, in Defiance of every Law, both divine and human, he was very early in the Morning *robbed* and *plundered* of all his *Ducats*; whereupon, in extreme Agony, he opened one of the Windows, and, as well as he could in his Language, cried out for Aid; wherefore the Robbers returned, and one of them wounded him on the Head, and holding a Knife to his Throat, *threatened to kill him*, which he would certainly have done, had not his Companion dissuaded him from it.

After this Cruelty and Injustice, he knew not what to do, but judged it the safest to remain quiet 'till Morning; when, about Seven o'Clock, hearing the Family up, he came down Stairs and made known his Distress in the best Manner he could to G——d's N—e, and the Servants of the House, declaring, that he had been robbed of all his *Gelt* * by G——d himself and another Person, who had inhumanly wounded him in the Head and Neck, which he shewed to all present. His Lamentations making some Noise and Confusion, G——d soon after came down Stairs, and was immediately made acquainted with the Affair; but, instead of making a Bustle and examining his Servants concerning the Matter, or taking *Simons* before a Magistrate, which one would imagine Prudence should have dictated to him (if innocent) but, on the contrary, he gave himself no manner of Trouble about it, and only laughed at and ridiculed the poor Man, as an In-

* *Gelt*, i. e. Money in German.

ventor of Falshood. This Behaviour of G——d drew a Flood of Tears from *Simons*, who then sat out for *London*, flinging his empty Belt down at the Door, lamenting his hard Fate, and ruminating on his Distress. He had not got above half a Mile, but he perceived two Men following and calling after him; upon which, he stopped, and was by them carried back to G——d's House, for no other Purpose, than to be again jeered, ridiculed, and abused by G——d and his Servants.

This being the Treatment he met with from G——d, he made the best of his Way to *London*; and in the Afternoon of the 29th of *August* came to Mr. *Thomas Woodman*, Keeper of the *Poultry-Compter*, and by means of his Under-keeper, who understood *Simons's* Language very well, informed him of the *Robbery*, with the several Circumstances attending it, and begged his Advice how to act in this Case, and to apprehend G——d, and to bring him to Justice.

As Mr. *Woodman* had some Knowledge of G——d, he did not at first chuse to be concerned; but seeing a large *Wound* on *Simons's* Head, and several *Cuts* in his *Neck*, that he was an entire Stranger without the Language, and in extreme Distress, ordered him to come again the next Day. On the Morrow, the 30th of *August*, *Simons* went again to Mr. *Woodman*, who had him examined three different Times by his Deputy, in order to come at the Truth, and try the Proof of his Assertion; and finding the Account which *Simons* gave of the *Robbery* at each of the Examinations to be so clear, so strong, and so full, without any Inconsistency in the Relation, and his Behaviour so steadfast and regular, Mr. *Woodman* had no room left to doubt his Veracity, and therefore procured a Warrant from a Magistrate for the apprehending of

of G——d for the *Robbery*. But as the next Day was the Jews Sabbath, and Mr. *Woodman* being desirous of taking *Simons* with him, he was obliged to defer his Journey till the *Sunday* following, being the 1st of *September*, when Mr. *Woodman*, and his Deputy, and *Simons*, set out early in the Morning for C——d-B——e; but unluckily stopping at *Hounslow*, an honest Inn-keeper of G——d's Acquaintance, who had some Suspicion of their Business, privately dispatched a Messenger on Horseback to inform G——d of their coming, so that when Mr. *Woodman* and *Simons* came to C——d-B——e, they were just time enough to learn that G——d *had made his Escape through his Garden on Horseback*. But Care was taken to get a Mob of People ready about G——d's House, who insulted and abused *Simons* very grossly; and had it not been for Mr. *Woodman*, who convinced them that he was under his Protection, he would, no doubt, have felt their Severity.

And here I cannot help observing the Humanity of Mr. *Woodman*, in thus aiding, assisting, and protecting, from the Insults of an enraged Mob, an unhappy Foreigner, who had fallen into such Hands, and had been so severely and cruelly *treated*, and unjustly *plundered* of all his Fortune. Certainly, nothing makes a greater Impression on the Mind of an honest Man, or can sooner excite his Compassion and Humanity, than such an Object, who is an utter Stranger to the Customs, Manners, and even the Language of the People who so illegally treat him.

When Mr. *Woodman* found that G——d was fled, and by that Means eluded their Design to bring him to Justice for that Time; yet, as his Flight was attended with suspicious Circumstances, and Mr. *Woodman* upon the Spot, he thought proper to proceed in this Affair as far as possible, and
to

to get what Intelligence he could. To this end, he got *E——b P——n*, *G——d's N——e*, and several of the Servants belonging to the House, with *Simons* and the Interpreter, into a Room; when *Simons* was again examined by the Interpreter, and his Answers interpreted to them, which were found to be the same in Substance as his Examination in *London*; and no one present said a Word to contradict or confute him, save *G——d's N——e*, who, with a great Degree of Assurance, asserted, that the Night *Simons* said he was robbed, her *U——e* went to Bed at *Ten* o'Clock, therefore *he* could not possibly commit the Fact.

However, unluckily for Mrs. *P——n*, a Person who was at the Time of the Robbery a Lodger in *G——d's* House, casually came in whilst Mr. *Woodman* was there, and ignorant, of what had passed, inadvertently declared, that it was impossible for Mr. *G——d* to have committed the Fact alledged against him, or to have been in any shape accessory thereto: Since, at, or about the Time *Simons* said he was robbed, Mr. *G——d* was with him in his Apartment, where he staid till between *One* and *Two* in the Morning playing at Cards, consequently could not be in *Simons's* Room. This Avowal clashing with *P——n's* Declaration, excited Mr. *Woodman's* Curiosity, and as he had a Warrant to search the House, as well as apprehend *G——d*, he determined to put it in Execution; but first of all was resolved to sift a little further, and more closely to examine Mrs. *P——n* and the Servants, concern-
 • what happened the Night *Simons* lay in the House; and upon that Occasion, Mrs. *P——n*, and several of the Servants, did assure Mr. *Woodman*, that it was very true, that *Simons* complained to *them* in the Morning when he came down Stairs, as well as he could explain himself, that *G——d* had robbed him

him ; and *P—n* further confessed, that she and one *Mrs. C—e* were several Times backwards and forwards in *Simons's* Apartment, in order to persuade her *U—e* to let him lay there ; and upon being strictly examined by *Mr. Woodman*, and asked the Reason of her being so urgent for *Simons* to lay there, said, she had none in particular, but that *Simons* had before shewn her his Belt, and some of his Money, and afterwards did the same to her *U—e* in her Presence.

These Circumstances seeming very material, and appearing in a strong Light to *Mr. Woodman*, in favour of *Simons*, he went with the Interpreter and the Chamber-maid into the Room where *Simons* had lain, and turned down the Bed-cloaths to examine them ; whereupon the Maid told him, that those were not the Sheets the Jew had lain in : *Mr. Woodman* then desired her to fetch the right, which she did, and when produced, were, with the Pillowbier (then unwashed) in a very bloody Condition ; and upon examining the Floor, it likewise appeared to be greatly stained with Blood, quite from the Bedside to the Window. If Circumstances could have any Weight, surely these were sufficient to evince every unbiassed, honest Man, the Veracity of *Simons's* Declaration ; but as Perfidy and Fraud are too often an Overmatch for Truth, so the Subterfuges and Chicanery of *G—d*, and those concerned with him, afterwards baffled the Attempts of Equity and Justice.

G—d finding that Justice was in Pursuit of him, thought proper to secret himself till the 5th of September, when he surrendred before *Mr. Ch—n*, a Justice of the Peace for *M—x*, amidst a Number of his Friends (amongst whom was *Mr. J—s A—y*) and others who attended out of Curiosity on this Affair, which had made so much

much Noise. One Mr. P——l, who was sent for to interpret *Simons's* Examination, immediately came, and *Simons* was desired to point out Mr. G——d to the Justice; he did it instantly, though G——d skulked into a Circle of his *Friends*, and was in a different *Dress* from that he appeared in when *Simons* lay at his House. After this was done, *Simons* was examined, by the Interpretation of Mr. P——l, which was taken down in Writing by Mr. F——d, G——d's S——r, who officiously thrust himself into that Office.

Several Witnesses were examined at the same Time in Behalf of G——d, but not a Word of what they swore was taken down in Writing by the Scrivener, or any one present. *Simons's* Information had so much Weight with the Justice, that G——d was committed to Gaol; but on the next Day, Notice was given by G——d, that he would be brought by *Habeas Corpus* before a Judge on the 7th of *September*, in order to be admitted to Bail; in which Notice, several Persons were proposed for his Sureties, and amongst the rest, J——s A——y, by the Name of J——s A——y of L——e H——l, L——n, B——y-M——t; which, by the way, shews some Connection betwixt G——d and A——y (though he has since endeavoured, by specious Pretences and arrant Falsehoods, signed by him, and published in News-papers *, to make the Public believe, that he had little or nothing to do with G——d); but this not being aailable Case, G——d was remanded back to Prison, where he continued till the Day of his Trial at the *Old-Baily*.

Now

* N. B. J——s A——y's very great Intimacy with G——d, and his being at G——d's House several Times, hath since evidently appeared: And it is somewhat remarkable, that on the very Day *Thomas Aspley* was convicted of Perjury, G——d and J——s A——y were found together *Tête-a-tête* at A——y's House in B——d-S——t.

Now a Scene must open, which can hardly be paralleled in this or any other Age or Nation; and, undoubtedly, such a Composition of unheard-of *Fraud* and *Injustice* must shock the Heart of every honest unprejudiced Reader, whose Soul is susceptible of Humanity and Compassion, and a Friend to Probity and Honour. Mr. *F—d*, who is an Off—r of the C—t at the O—d-B—y (and, as such, ought not, on any Consideration, to be concerned in a Prosecution there, though 'tis well known, that through pecuniary Motives, he is concerned in almost every thing of Consequence) was G—d's S—r; and he took care to see Mr. *W—n* the *Sunday* preceding the Sessions, which was to begin on *Wednesday* the 11th of *September*, and to inform him, that, he believed Mr. G—d was a very *honest Man*, and incapable of committing the Fact laid to his Charge; that the Prosecution was a very *cruel one*, and the Effects of Malice, Spite, and Injustice. He also took care, in Conversation, artfully to draw out of Mr. *W—n* (who was not so much on his Guard as he ought to have been) all the Evidence he could give in Favour of *Simons*; not in the least distrusting that Gentleman's making an ill Use of it. Mr. *F—d* being thus prepared, also took the Precaution, by a Method not altogether justifiable, to have his Client G—d placed the first upon the List of Prisoners, in order to get him tried the first Day of the Sessions on the *M—x* Side; and by this Means the Prosecutor's Solicitor, who was in Court that Morning, found the Trial called on *before* he had given his Brief to Council; which he was then obliged to do in Court; and he sent for his Witnesses, who came, and the Trial went on.—This was, undoubtedly, a Surprise on the Prosecutor, and unexpected by his Solicitor, because he knew that the

Bill

Bill had been found against *G—d* *that Morning* only at *H—s's-H—ll*. However, the *Bill* was actually in Court, and upon Enquiry it appeared, that it was brought down by one of *G—d's* *C—l* from *H—s's-H—ll* to the *O—d-B—y* in his Pocket. This seems to be quite unprecedented, and highly improper; for what Business had the Prosecutor's *Bill* in the Custody of the Prisoner's *C—l*?

By some Accident or other, *Mr. W—n* and the Prosecutor's Solicitor did not see each other from the Time he was employed in the Prosecution 'til after the Trial was on; so that all the Instructions he had put in his Brief to interrogate *Mr. W—n* upon, was barely, his taking out a Warrant against *G—d*, his going down to apprehend him, and his absconding; which *Mr. W—n* had at first acquainted him with. The Trial being hurried on in this extraordinary Manner, was the greatest Misfortune that could happen to a Man who was aiming at Justice, and proved fatal in the End; for *Mr. F—d*, who does not want Address, very artfully applied to the Prosecutor's Council, and told him (even while the Witnesses on the Prosecutor's Part were examining) *that he need not give himself the Trouble of calling Mr. W—n* (who was waiting in Expectation of it) for that *G—d* should own his absconding in his Defence, which would save the Court much Time and Trouble. And by this Artifice, the Prosecutor was trifled out of *Mr. W—n's* Evidence, which would have gone a great way towards invalidating every Part of the Evidence given by *G—d's* *N—e*, and also the Conviction of *G—d*.

And to shew you still further to what petty Subterfuges *G—d* and his Party were drove, and what

what a Set of Tools they were forced to work with, in order to bring G——d off, will appear in the following Instance.

One J—b Ab——ms *, who goes by the Nick-name of J—b Want-Money (and who, as it since appears, ran out of *Holland*, to elude the Justice of that Country, for a Fact committed there by him and his Wife) came some short time before to the Prosecutor, commiserating his unhappy Condition, and the Misfortune he had met with by losing his All; at the same time telling him, that his Brother had once lain at G——d's Houle, having Effects with him to a great Value: That about Midnight some Persons came to the Door of his Chamber, and endeavoured to force it open; but that he awaking, made a great Noise, and told them, that he had loaded Pistols by his Side, and would shoot the first Man that entered the Room; upon which they departed. A——ms told him, if his Brother's Chamber-door had not been screwed down on the Inside, he would have met with the same Fate; and seemed to be very sorry that his Brother was at a great Distance from *London*, otherwise he was very sure he would attend, and give Evidence of this Circumstance. But as that could not be the Case, if *Simons* would give his Solicitor Directions to subpcena him, he would do him great Service.

This poor Man, honest himself, and deeming A——ms his Friend, unsuspectingly subpcenied him as he desired: But, good God! who can speak his Surprise! when this very J—b A——ms, this masqued Renegado, came to be examined on the Part of the Prosecutor, he declared, that he had lain at G——d's House with several Hundred Pounds-worth of Goods;

* This J—b A——ms was also present when G——d was brought before the Justice.

Goods; and that he verily believed him *an honest Man*. Would any one imagine, that the Mind of Man could be so vitiated, as to premeditate Mischief, to the Prejudice of his Fellow-creature, for the Sake of any Reward whatever: But it is too evident, that there are those among us who, to indulge this Passion, daily laugh at Damnation, spurn the Laws of Society, and call their God to witness a Lye.

These Points being carried, so sure was Mr. F—d of getting his Client acquitted, that he was seen, *before the Trial was half over*, to be settling a Bill of Indictment, in Court, against the unhappy Prosecutor for Perjury, on the Information he made before the Justice of the Robbery of his *Five hundred fifty-four Ducats*.

The Trial went on, and G——d was acquitted, but how? By Artifice, Contrivance, and insidious Suppression and Secrecion of Evidence, with the detestable Addition of wilful and corrupt Perjury, committed by *Ashley* the Gardiner, by swearing, that about three Weeks before G——d's Trial he met *Simons* near *Smallbury-Green*, and put him in a Ditch, and scratched him in the Bushes, and then flung a Stone, which fell upon his Head and broke it. This cook'd-up Story, joined with P—n the N—e's Testimony, that the Blood on the Sheets appeared *like old Blood, black, and as if it had been kept in a Bottle some Time**, was sufficient (with other favourable Circumstances for G——d happening on the Trial at this Time) to throw a Discredit on *Simons's* Evidence of the Robbery by G——d and the other Person unknown. But the supreme and all-wise Disposer of human Events, who

* Vide *Sessions-Paper* in the Seventh Sessions of the Mayoralty of the Right Honourable *Francis Cokayne*, Esq; Lord Mayor of London, which began the 11th of September, 1751.

who sometimes lets the Innocent suffer, and the Guilty go unpunished, for Reasons unintelligible to finite Capacities, and yet frequently snares the wicked Man in the very Heighth of his Wickedness, has providentially detected this Piece of Villany, and the wretched Perjurer has since been tried, convicted, and met with a Punishment, such as the Atrociousness of his Guilt merited.

The Manner of detecting the Wickedness of *Thomas Ashley* was very singular, Mr. *Wright* being at the *Old-Baily*, finding a Bill of Indictment against a Person who had injured him, at the Time *Simons* was there to get the Bill of Indictment found against *Ashley*, for Perjury; *Simons*, the Moment he cast his Eye on Mr. *Wright*, knew him, and told his Interpreter, that he was one of the Gentlemen who had so generously protected him on the Road, and desired to speak to him. Mr. *Wright* was presently convinced he was the Man, and went into the Grand-Jury-Room with him, and gave Evidence of the Fact, and acquainted him, who the other Gentlemen were; and they also appeared at the *Old-Bailey*, and gave Evidence for the Crown; which, with the other Proof against him, was so strong and clear, that the Jury, without going out of Court, brought him in, *Guilty* *. And the Court were so well satisfied with their Verdict, that he was sentenced to stand in the Pillory, to be Imprisoned in *Newgate* for One Year, and afterwards Transported for Seven Years.

G—d's Trial being over, and he acquitted, the Mob, by the Management of his Party, were so enraged against *Simons*, that they were fully prepared to execute their Resentment against him,

B

when

* Vide *Sessions-Paper*, of the Fourth Sessions, in the Mayoralty of the Right Honourable *Thomas Winterbottom*, Esq; Lord Mayor of London, which began the 8th of April, 1752.

when he should come out of the Court ; which the Sheriffs being apprized of, one of them generously and humanely conducted him to a Coach, which at that Time prevented any Injury to his Person.

Now it was time to put in Execution the Scheme that had been before concerted for indicting *Simons* for Perjury on his Information, in order fully to establish *G——d's* Character in the Opinion of that Part of Mankind, who still believed the poor Man had been robbed ; and accordingly a Bill of Indictment for Perjury was preferred against him at *H——s-H——ll* the 13th of *September*, and on the Evidence of *G——d*, *P——n*, his *N——e*, *Ashley* the Gardiner, with some of *G——d's* Servants, the Bill was found, without *Simons* knowing any thing of the Matter. Hereupon a Warrant was obtained from a very worthy Magistrate of the City of *London*, and kept dormant in the Pocket of *Mr. F——d*, *G——d's* *S——r*, from that Time to the 7th of *October* following, without so much as attempting to take him up upon it, though that might have been done any Hour of the Day, without Interruption, he going in the most *Public Manner*, during that Space, on the *Exchange*, and about the Streets, in his *Polish* Garb, asking *Alms* for his *Subsistence*, and to carry him over to *Holland*, from whence he declared his Intention of travelling, and begging his Way into *Persia* or *Turky*, and to remain there, till, by his Industry and Care, he could raise that Part of the Money belonging to the *Polish* Nobles, which he had been stripped of here, and was by them entrusted to his Care, to purchase the Manufactures of this Nation for their Account. To *Poland* he must not go, without repaying those who had intrusted him with their Money ; for every one that is acquainted with the Constitution of *Poland*, knows, that the Nobility of that Country have an almost unlimited

unlimited Power over the People who live in their respective Districts or Lordships, even to a degree of Slavery; and, if any of these unhappy People contract Debts with the Nobility, which they are unable to pay, their Liberty, and also that of their Wives and Family, become forfeited to the noble Creditor, who has it in his Power to keep them in his Service, till Restitution is made, and the Debt contracted discharged by Vassalage. How terrible does this appear to a People, whose Liberty is their All, and who pride themselves more in their Freedom than the noblest Heritage on Earth. And now, alas! this has been partly the wretched cruel Case of the poor unhappy *Simons*, whose Wife and Child have been imprisoned, and are still likely to continue so, till he himself can return and make full Retaliation. What Breast can be so icy, what Heart so obdurate, or what Soul so irrational, as not to be moved to Pity at so shocking a Calamity! nay, who cannot even feel this poor Man's Sufferings, and heartily commiserate a Fellow-creature's Distress! what pungent Sorrow, what intolerable Anxiety, must tear the Mind of this unhappy Man, when these crude Reflections press upon him, unsupported by any thing but bare Reason. If, as the Poet says,

'Tis surely noble to be born to save.

where can *Britons*, famed for Generosity and Hospitality to Strangers, find a nobler Object, than a virtuous, honest, industrious and injured Foreigner.

This poor Man, after he had been robbed of his Money, was reduced to so much Distress, that he was even constrained to pawn his Veil (which is a religious Vestment worn by the *Jews* in their Synagogue, and what they will not pawn or dispose of, unless compelled thereto by the extremest Necessity)

and all his Cloaths, to support himself; so little was he known by any *Jews* of consequence, at this Time, that he knew not where to get, even common Necessaries to subsist on. This being represented to the Clerk of the Vestry belonging to the Synagogue, he laid his Case before some of the Vestry, who ordered him Half a Guinea; and, by going about to several Gentlemen's Houses, he begged, to the Amount of a Guinea and Half more; with this Money he redeemed his Veil and other Cloaths from Pawn, and paid a Countryman off his Part of some Money he had lent him to carry on the Prosecution against G——d. These Payments reduced his Stock to *Five Shillings and some Halfpence only*; and with this Pittance*, on the 7th of *October* he set out for *Harwich*, in order to pursue his intended Journey to *Holland*, in his Way to *Persia* and *Turky*, and was overtaken at *Stratford* by one *Joseph Isaac*, a travelling Merchant, a Person entirely unknown to *Simons* till then, who was going with his Box of Goods that Night to *Barking* in *Essex*, and from thence round the Country to *Colchester* Fair. Here they joined Company, and, as they were walking in the Road, betwixt *Stratford* and *Ilford*, they met a Person, seemingly not unlike a Gentleman, in a single-Horse Chaise, who crossed the Road upon them. This afterwards appeared to be Mr. J——s A——y (at that Juncture unknown to either of them) who drove his Chaise close up to them, and addressing himself to *Simons*, with very great Eagerness, asked him, If he was not

* *N B.* Lest it should be thought a Matter of Surprise, that a Man should attempt going to *Holland*, with so small a sum of Money, it must be observed, that nothing is demanded at *Harwich* for the Passage of any poor *Jew* to *Holland*; and it often happens, that a poor *Jew* sets out for *Holland*, with a fifth Part, only, of what *Simons* carried with him; these sort of People contenting themselves with some Bread and Water only.

Not the Man that was robbed at C——d-Bridge; *Simons* not understanding *English*, A——y asked him over again; but getting no Answer from him, was still dubious, if that was the Man or no. However, a Hint jumped into his Head, whereby he thought he might soon be convinced, and putting his Hand in his Pocket, *took out some Ducats*, and held them out in his Hand from the Chaise (which was a very low one, and stood upon even Ground with them) to *Simons*; saying, *Ducats, Ducats*, are not you the Man that was robbed at C——d-Bridge? *Simons* naturally shewing some very great Emotion at the Sight of the Ducats *, which he took for granted were some of his, convinced A——y that he had not mistook his Aim; therefore, shaking his doubled Fist at him, he said, *I'll have you*, and drove as fast as he could to *London*.

The Warrant, as before observed, lay in the Hands of Mr. F——d, G——d's S——r, quite unnoticed, from the Time it was obtained, and wrested with him, for no other Purpose, than to be called for by G——d or some of his Friends, in order to make use of as they thought proper. Mr. A——y was the first of G——d's Friends who went to Mr. F——d about it, and told him, that, as he was coming out of E——x he had *accidentally* met *Simons* going out of the Kingdom. Mr. F——d produced the Warrant to A——y, as the first of G——d's Friends who called for it; but, upon Perusal, Notice was taken, that it was a Warrant for *London only*; but, however, that *trifling Objection* was easily cured, by the Words, *Essex and* being put in the Margin, before the Words, *London to wit*.

B 3

This

* This Circumstance, of A——y's shewing *Simons* some Ducats, is very material, and is proved by *Joseph Isaac*, who is in a great measure supported by A——y's own Confession to Mr. F——y and Mr. B——e, at *Witham*. *Vide* the Trial in the Appendix.

This was done in the Presence of *A—y*, but not in the Presence of the Magistrate who granted it, and, under whose Hand and Seal it was; but, as Mr. *A—y* was there himself, it was easily dispensed with; when this was done, it was delivered into *A—y*'s Hands, in whose Custody it remained, till some time after *Simons* was taken up upon it.

A—y says, it was with great Inconvenience and greater Reluctance, that he embarked in this Scheme, and, that it was chiefly owing to the pressing Instances of Mr. *F—d*, *G—d*'s *S—r*, and his Clerk, who prevailed on him to pursue *Simons*. Mr. *F—d* and his Clerk, on the other hand, say, he went with great *Willingness*; and his Eagerness and Haste was such, that he would not even suffer the Clerk to lose so much Time, as to go home and acquaint his Family of his intended Expedition. However, be it as it may, his Pursuit is certain, and, as he boasts, not with any lucrative Design or self-interested Motive; but, *Pro bono publico*; and how much he had that at heart, in this Adventure, you must be the Judges of.

In his Pursuit after this unhappy *Polander* he called at *Ingatestone*, and there casually met one of his old Acquaintance, to whom he communicated what he was about; and his Friend, like a sensible Man, used many Arguments with him, to dissuade him from such a Wild-goose-chase, and advised him to return to *London*, lest he might, unthinkingly, be the Cat's-paw, and embroil himself in an inextricable Difficulty; for as *Simons* had not charged him with being one of the Robbers, he could not see any Reason for his giving himself so much Trouble: But *A—y* endeavoured to convince him, that it would be greatly *his own Interest* to follow and bring him to Justice, for the Sake of his Friend *G—d*, and for his *own Sake too*; for
if

if he could in any shape serve his Friend G——d, it would be of Service to himself in his Trade among the Inn-keepers on the Western Road. If he had *no stronger Reason* to induce him to it, is not this sufficient?—Here is an Instance of Public Virtue.

This gave his Acquaintance a much worse Opinion of the Affair than he had before; nevertheless, he remonstrated with him again and again, and desired he would go back; but it was not for his Honour to recede; so he and his Companion the Clerk set out Post-haste. They continued their strict Enquiries after this poor defenceless Object all the way they went, and within Four Miles of *Witham* met with one *Luke Clexton*, a Gentleman's Boy, of about Fourteen Years of Age, going on an Errand for his Master; of him they made Enquiry after this Outlandish-man, describing his Dress and Beard; and particulaaly, A——y told the Boy *he was a Highwayman*, and if he would ride forward in Search of him, he would reward him for his Trouble. How could a Merchant (as A——y says he is) whose Being is Verity and Justice, dare to assert so great a Falshood, and meanly endeavour to impose on the Ignorant and Credulous, by illegally branding an honest Man with the Epithet of a Robber? Are these the Tenets of Patriotism, or are they not rather the Effects of an Education, got amidst a Band of unhappy Miscreants, the Hirelings of Wickedness, and Slaves of Corruption?

Flushed with the sanguine Expectations of taking a *Highwayman* (as *Simons* was injuriously called) the Boy followed his Orders, and in a few Minutes came up with him. Struck with his Visage and the Oddity of his Garb, he could not be satisfied that a Man of his Appearance could be a Robber, and therefore rode back to A——y, who was driv-

ing forwards as fast as he could, and told him, the Man was just before, and he could easily take him. But are you sure (says the Boy) he is a Highwayman? Will you swear he is a Highwayman? *A—y* answered, *Yes, I will*; and pulling a Paper out of his Pocket, said, Here is my Warrant to apprehend him: Which so fully satisfied the Lad, that he galloped forward, jumped off his Horse, and apprehended him without the least Resistance, holding him fast 'til *A—y* and his Companion came up. Just at this Juncture, *A—y* perceiving one *Thomas Banbrook*, another Boy, who was driving his Master's Cart along the Road, and being elate with Joy at the Capture, he jumped out of the Chaise in so great a Hurry, that he had well nigh fallen; but he soon recovered himself, and enlisted the other Boy and his Cart into his Service: And now, collecting all his Forces together, they laid violent Hands on the poor unhappy *Po-lander*, and, as if he had been a Dog, tossed him up into the Cart, putting the Boys one on each Side of him, to guard him to *Witham* that being the nearest Town they could make. The Novelty of having a Man with a long Beard, and habited in such manner, charged with being a Highwayman, was a most pleasing Scene to two raw Country Boys (who are generally too prone to Mischief, and to make a Mock at others Misfortunes) induced them, for their Diversion, to pull him by the Beard; not considering, or perhaps knowing, that such an Insult is as bad as a Stab to a *Polish Jew*; and the Boys, by other Means, thwarted and teased him to such a degree, that he got out of the Cart, to rid himself from this Incumbrance.

A—y and his Companion, full of Fear, lest he should make his Escape, jumped out of the Post-Chaise and retook him; and then put him
and

and the two Boys into the Chaise, themselves riding in the Cart by way of Guard. In this Order they proceeded to the Post-house at *Witham*, making an Outcry of Highwayman all the way; so that when the Chaise was drove into the Yard, the Town was in an Uproar, and the Inn-yard thronged with People to see this unhappy Victim of *A—y's* Revenge. Upon their Arrival at *Witham*, poor *Simons* was pulled out of the Chaise, and rolled about the Yard like a Log; but when he was set on his Legs, and the People had him in View, they laughed at his Figure; and being at length satisfied he was no Highwayman, went about their Business. From thence he was conveyed into a Room, where *A—y*, with the greatest Assurance imaginable, told the Gentlewoman who keeps the House, and several other Persons present, that the Jew was as arrant a Villain as ever existed; that he lived by Plunder, Rapine, and Injustice; and intended, by Perjury (for which he then stood indicted) to deprive an honest Man of his Life; and confidently asserted, that the Jew had picked up a *Whore* and lay with her at *G—d's*, and she it was that robbed him of his Money, though he charged *honest Mr. G—d* with it, but that Justice had now overtaken him.

These Aspersions, thrown out in this exclamatory Manner by Mr. *A—y*, who was personally known in that Part of *Essex*, prejudiced the People of *Witham* so much against poor *Simons* (who, from the ill Treatment he had received, made a very ragged Appearance) that the People were ready to tear him to Pieces. And it must be observed, that these Reflections, at that Time, were artfully propagated by *A—y* at *Witham*, and afterwards at *Chelmsford*, and other Parts of *Essex*, purposely
to

to prepossess the Minds of the People of that Country, against the poor Man, for a future Experiment, as will appear by the Sequel. And, indeed, unhappily it had its Effect; for the Generality of the People in that Part of the World, then considered Mr. A——y as an honest, well-meaning Man, of an humane, Christian-like Temper and Disposition; and the other as an infamous Jew, a Pick-pocket and Knave, who had no Regard to Honesty or Virtue.

This main Point being carried, it was now Time to send for the C——e, who soon came, and thereupon searched *Simons*, in the strictest Manner imaginable, from Head to Foot, by Order of Mr. A——y, or his Companion (who pretended to search for offensive Weapons, which they said, might be secreted about him; though that could be only Pretence, for if they had been apprehensive of his having any thing of that sort about him, they would have searched him at the Time he was first seized) his Clothes were unbuttoned, even to his Shirt; but, after all, they found nothing about him, *except a few Skillings and some Half-pence*. This Search was very artful, for, if *Simons* had been found to have possessed any Quantity of *Ducats*, nay, *even Three*, it would have been no difficult Matter for A——y to have convinced the Persons who were present, that *Simons* had imposed on the World, by swearing a Robbery on G——d, and consequently have made him out the greatest of Villains. The Search being thus compleatly made, A——y left him to the Care of the C——e, who took him home with him, and in whose Custody he remained all Night*.

Mr.

* A material Circumstance is necessary to be taken Notice of here, *viz.* That when *Simons* came to the C——e's House, he

Mr. *A—y* being thus disencumbered of his Charge, he had now Time to write his Friend *G—d* an Account of his Undertaking, and the Success he had met with; which done, he went into the Company of Mr. *F—y*, and some other Gentlemen, who were spending the Evening with Mrs. *B—e*, the Mistress of the House. This was by way of Relaxation to his wearied Spirits, which were, undoubtedly, hurried and fatigued, by his Herculean Labour, in pursuing and apprehending a poor unarmed helpless Stranger. During this Recess, he expatiated largely to the Company upon this his gallant Action, and informed them of his Luck, as he termed it (huge Luck indeed) in discovering the Jew on the foregoing *Sunday*, making the best of his way out of the Kingdom; his stopping his Chaise for some time, talking with him, and asking him if he remembered *G—d*, putting his Hand in his Pocket, or Pockets, *and shewing, or mentioning Ducats* † to him; his Belief that the Jew did not understand him, and his driving off to *London*, in order to get a Warrant to take him up.

The next Morning Mr. *A—y*, his Companion, the *C—e H—s*, *M—w*, and an additional Hand,

he was entrusted to the Care of one *D—l H—s*, a travelling Journeyman Taylor, and *T—s M—w*, who called himself a Doctor; but, upon enquiry, was found to be a loose idle Fellow, of the Vagabond Kind. *H—s* was examined as a Witness for *A—y* at *Simon's* first Trial at *Chelmsford*, and soon after, fled the Country, through fear of a Prosecution. But the industrious Mr. *A—y*, who knows how to supply Defects, produced, at the last Trial of *Simons* at *Chelmsford*, this *T—s M—y*, to supply the Want of *H—s*, who then gave a very extraordinary Piece of Evidence, though he was confessedly in Court during the whole Time of the first Trial, and yet never called as a Witness. *Vide* the Trial in the Appendix.

† This, in a great Measure, tallies with the Evidence given by *Joseph Isaac*.

Hand, retained by *A—y*, whose Name is *R—d T—r** (and who gave a very extraordinary Testimony at the first Trial, but soon after, also ran his Country, through fear of a Prosecution) set out in great Pomp, to guard this tremendous Captive to a Place called *Boreham*, about three Miles off *Witham*, to the House of a Gentleman in Commission of the Peace for *Essex*. In the Way, *Joseph Isaac*, who parted with *Simons*, the Sunday before, at *Ilford*, and was going his Rounds, met them, and *Simons* told him his Distress in *Dutch*; but the *C—e* would not suffer *Isaac* to speak to him, but pushed him away. And at that Time, *A—y* and his Companion coming up, he thought it the safest Way for him to go quietly about his Business. When *Simons* was brought before the Justice, he told him, in his Language, the Story of his Robbery by *G—d*, the Manner of *A—y*'s shewing him the Ducats the Sunday before, and begged upon his Knees for a *German* Interpreter. Unhappily, for *Simons*, not a Word of his Language was understood, nor could a *German* Interpreter be found (though the Blockhead of a *C—e* afterwards assumed the Character of an Interpreter at *Chelmsford*, but by his own Confession, it appears, he knew nothing of his Language) and therefore the Justice prudently advised *A—y* to carry him to *Chelmsford*, where the Justices were then holding their Quarter-Sessions. Thither he was conducted by *A—y* and his Guards, and carried to the *S—s-H—d* Inn, a House which *A—y* serves with Spirituous Liquors.

Some Time was spent at this Inn, in erasing the Words *Essex* and out of the Warrant, and settling some

* This Person, *R—d T—r*, did not appear at the last Trial; but his Deficiency was most dextrously supplied by two Serving-women belonging to the *S—s-H—d* Inn at *Chelmsford*. Vide the Trial in the Appendix.

some other Matters, which were necessary to be done, before they could get the Warrant indorsed by a Justice for the County. This ended, *Simons* was taken and dragged along, amidst the Shouts and Acclamations of a Multitude of Spectators, to the Coffee-house, where was the Reverend Mr. T——l, who is the Principal, if not the only acting Justice of Peace in the Town of *Chelmsford*. And here it is impossible to avoid remarking the Behaviour of that reverend worthy Magistrate, who, without any Compliment, strictly adhered to that noble Character of a Divine and a Justice; for this Gentleman, observing the brutish Behaviour of the C——e and others of the Mob to this unhappy Prisoner, asked them if they were *Barbarians*, to treat a Foreigner in such a Manner? This Behaviour somewhat appeased the Mob, who were using him ill even in his Presence, and Mr. T——l enquired of A——y, what he wanted with him? Upon which, he desired him to commit *Simons*. No, says the Magistrate, you must carry him to the original Jurisdiction. *Simons* told Mr. T——l the same Story in *German* he had before told at *Boreham*, but he could not understand one Word he had said; wherefore, the Gentleman seeing the poor Man in such extreme Distress, and having been formerly in *Portugal*, asked him, in the Language of that Country, if he was a *Portuguese*; but, finding that ineffectual, he then tried him in the *Latin* and *French*, neither of which *Simons* understood.

The unhappy Man being thus distressed in inexpressible Anxiety, and the most pungent Sorrow, presumed, trembling, to lay hold of Mr. T——l's Breeches Pocket, and to cry out, aloud, *Ducats, Ducats*; whereupon, some of the By-standers immediately bellowed out, that the *Jew* was going to swear,

swear, *that Mr. T——l had robbed him of his Ducats*; but Mr. T——l coolly answered, that the Man had said enough to let him know, that he was the unhappy Person who was robbed by G——d of his Ducats, as he had observed in the public Papers.

This generous worthy Magistrate seeing the Prejudice and Bent of the People in general, told the Peace O——r, that, if he did not take care of the Man and treat him with more Humanity, he would be at the Trouble and Expence of calling him to a proper Account for his Misconduct; and so dismissed them. Poor *Simons*, very unwilling to leave Mr. T——l, took hold of one of the Rails before the Coffee-house; but the Mob dragged him from thence with so much Force and Violence, that, if his Arm had been pushed a little farther in, it must inevitably have been broke.

Who can, without Pleasure and Satisfaction, reflect upon this humane, beneficent Conduct of Mr. T——l, in thus exerting that Power, which Providence had bestowed on him, in Defence of an unhappy out-cast Stranger. And, on the contrary, who can, without Detestation and Abhorrence, behold that merciless tyrannical Treatment of A——y and his Coadjutors; who, in Contempt of the Laws of Nature and Humanity, of Equity, Justice, and Religion, could, with Hearts, hard as Adamant, and Souls estranged from Virtue, indulge and satiate their Passions, Revenge, and Cruelty, upon a worthy, honest, helpless Man.

After Mr. T——l had dismissed them, they reconducted him to the S——s-H—d Inn, still treating him in the same illegal and opprobrious Manner; when they had got him there, he was pushed into a back Room, which was presently filled with Spectators, who were continually going backwards
and

and forwards, so that sometimes thirty Persons or more were in the Room at once. It is very probable, that *Simons* might go up to *A—y's Pocket* and cry out *Ducats*, as he had before done to Mr. *T—l's*, and *A—y's* Creatures be as ready to say, nay, even to swear, that the *Jew* had put them into his *Pocket*, and had charged *A—y* with robbing him of them, as they endeavoured to persuade Mr. *T—l*; and, if this happened, it was a good Time for *A—y* (who knows how to improve a good Opportunity) in seeming great *Amazement*, to produce them. And, true it is, the *Ducats* were found in his *Pocket* and produced*; but this, *Simons* trusts in, that every unprejudiced, sensible, honest Man, who reads the Evidence given on the Trial, will not be of Opinion (after taking into Consideration his *miserable Circumstances*, which appear from several Witnesses of undoubted Veracity, his being surrounded by *Strangers* and avowed *Enemies*, the strict Search he underwent at *Witham* the Night before, his Ignorance of the *Language* and the *Laws* of *England*, the Absurdity and Improbability of his putting *Three Ducats* into *A—y's Pocket*, supposing he had been possessed of them; and many other strong Circumstances that appear in his Favour) that *Simons* put them there; but, rather be inclined to ask himself the Question, whether it was not infinitely more probable, that *A—y* should have carried *Ducats* in his *Pocket* for some sinister End or other? But then, Mr. *A—y* has sworn, that he never saw a *Ducat* in his Life, before he saw those Three which were taken out of his Pocket;

* These *Ducats* were seal'd up, and produced in Court, on the first Trial of *Simons* at *Chelmsford*, and one of them had a Hole in it. *H. Levy*, in his Evidence, says, the *Ducat* that *A—y* weighed at *Jacob Abraham's House*, had a Hole in it. This Evidence was given in Court, on the first Trial, before the *Ducats* were opened there.

Pocket; and, were he not contradicted in this by two material Witnesses, whose Characters he did not attempt to impeach, is it to be credited, that *A—y*, who had carried a Cargo of Cloth belonging to one *J—n*, a Bankrupt, to a great Amount, into *Holland*, and traded there and in *Zealand*, at *Flushing*, *Middleburg*, and other Places, should not have *seen*, nay, even been *possessed* of many *Ducats*? Mr. *A—y* has some Reason not to forget this Voyage, if he does, it is necessary to put him in mind, that, for this Exploit, he was, by the then Lord Chancellor committed Prisoner to the *Fleet*.

When the Ducats were produced, *A—y* made a proper Use of it, by his Emissaries insisting, that the Jew had put them into his Pocket, and had charged him with being the Robber of them: So that the whole Town was soon in an Uproar; some were for hanging, and others for burning him for a Witch, for he could be no less, to convey Ducats into Mr. *A—y*'s Pocket *unseen* in the Presence of so many People. And, indeed, the last, in all probability, would have been put in Execution, if so recent an Example as the Affair at *Tring* in *Hertfordshire*, which then came to their Reflexion, had not deterred them.

While they were thus ruminating how to act, fortunately for poor *Simons*, Mr. *A—n G—e* accidentally came to *Chelmsford*, and rode into the *S—'s-h—d* Inn Yard, where he was instantly surrounded by a Crowd of People, who told him the Jew was taken on his Warrant. Soon after, the *A—n* met Mr. *T—l*, who informed him, that the poor Jew was in Custody; that the Affair had been the Subject of much Enquiry; and that it would be kind in him to go and examine him. To this he condescended, and spoke to him in his
own

own Language; at which *Simons* expressed the highest Joy; and on his asking him in *Dutch*, how he could be such a Rogue to put the Ducats into Mr. A—y's Pocket, he directly answered, he had no *Ducats*, but that G—d had his *Ducats*. The A—n asked him also several other Questions in *Dutch*, and communicated his Answers to Mr. A—y in *English*. Then he was told by several Persons, that the Jew had charged Mr. A—y with robbing him. And when that Question was asked him in *Dutch*, his Answer was, *Lee*, (*i. e.* false) and *Niet myn Ducats*, *Mynbeer* (*i. e.* Not my Ducats, Sir.) Before the A—n could repeat this Answer in *English* to the People, several of them said, Look ye there, the *Dog* says they are his *Ducats*, he *owns* they are his *Ducats*. The A—n asked him again, if he charged Mr. A—y; but he denied it as strongly as Man could do, calling God to Witness that he did not; and seemed in the utmost Distress and Anxiety Man could possibly be.

Upon the Trial, Mr. A—n G—e was asked by the Council, who it was told him that *Simons* had charged A—y with the Robbery: To which he replied, that A—y and several others had done so, but that it proceeded merely from their *misunderstanding* him, and mistaking the *Meaning* of his Language. For the rest of the A—n's Evidence, the Reader is referred to the printed Trial.

The A—n having sealed up the Ducats, and searched *Simons* from Head to Foot (to which he submitted with great Chearfulness, and even stripped himself of great part of his Cloaths) and finding nothing about him, save the trifling *Silver* and *Halfpence* found the Night before at *Witham*, he departed, leaving his Accuser and his Emissaries to bring him to *London*.

It now becomes a necessary Duty not to omit taking particular Notice of the humane benevolent Conduct of this worthy Mag—te, who, throughout the Whole of this Affair, acted as he has done on all Occasions in Behalf of the Innocent and Distressed, with the most unbiassed Generosity and disinterested Good-nature.

Mr. A——y now humanely provided a Pair of small Iron Handcuffs, and had them screwed on *Simons's* Hands, placed crossways, as hard as they possibly could be. This being done, the C——e, with two of his Assistants, aided by A——y and his Companion, guarded the unhappy Prisoner to *London*, and lodged him at the K—g's A—s in *L—n-b—ll-street*; but, though he was so well secured, A——y had not Mercy or Compassion enough about him to disencumber the poor Wretch of his galling Handcuffs, but kept him in that dreadful Situation all Night.

About Ten o'Clock, the next Morning, the Possé carried him before a Magistrate in *Middlesex*, in this deplorable Condition; but they were told, at his House, that it was not usual to conduct a Prisoner, on a Charge of Perjury only, before a Magistrate with his Irons on, and then, and not till then, Mr. A——y had the Decency to order them to be taken off; in which Operation the Skin was pulled off his Wrists, it adhering to the Iron, and a great Quantity of Blood followed.

One would not imagine, that a Man who has so loudly called on the Public to espouse his Cause, on account of his being a Christian, could so obstinately shut Humanity from his Breast, and without Remorse be deaf to every Cry of Pity or Compassion. Some Time was spent before the Justice, and poor *Simons*, for want of Bail, was sent to the *New Prison* at

at *Clerkenwell*; what an Aggravation was this to every other Sorrow! however, all this while *A—y* (as if he had forgot the Affair of the Three Ducats) never opened his Lips about it, but five or six Days afterwards went to the Justice again, in Company with Mr. *F—d*, *G—d's S—r*, and made a *Viva voce* Information, (none being taken in Writing, at least, that can be found) that *Simons* had put Three Ducats in his Pocket, with Intent to charge him the said *A—y* with robbing him of them; whereupon a Detainer was sent to the Keeper of *Clerkenwell Prison* against *Simons* for this Fact.

But, in good time, Providence raised up Friends to the Stranger in Distress, for now, and not 'til now, some of the principal Jews having had an Account from *Poland*, that *Simons* was an honest Man, of a very good Family, and received authentic Proofs from thence, that he brought the Ducats out with him from that Country. And also a Certificate from the proper Officer at *Harwich*, that he was searched there before he came on shore, and a very large Quantity of Ducats were found in his Belt, they came to a Resolution, to defend him against a Set of Men who had publicly avowed his Destruction; and surely this humane Behaviour of these Gentlemen will, by all Men of Sense, be deemed a pious and laudable Undertaking. The Propriety and Delicacy of these Gentlemen's Conduct, with regard to this Affair, was such, that, on Mr. *F—d's* proposing to Mr. *N— Fr—ks*, about this Time, that the Elders of the Synagogue should be at liberty to examine into it, and if they found *Simons* guilty (as he assured Mr. *Fr—ks* they would, beyond all Contradiction) they then might send him out of the Kingdom. This Proposal from Mr. *G—d's S—r* startled Mr. *Fr—ks* to that

degree, that he very warmly replied, that he knew none of his Religion that would screen a Villain, and if *Simons* was guilty of the Crimes he stood charged with, he hoped to see a very severe Example made of him; but, on the contrary, if he was innocent (as he then from several Circumstances imagined he was) he should be properly protected and defended, as every oppressed honest Man ought to be. At the same Time Mr. *Fr—ks* advised Mr. *F—d* to go on with the Trial of his Indictment for Perjury, or any other, for that his Client's Innocence would clearly appear, if *Simons* should be found guilty.—At another Time Mr. *F—d* repeated the same Proposal to Mr. *L—z—s S—n*, one of the Elders of the Synagogue, who rejected it with the same Indignation Mr. *Fr—ks* had done before.

Soon after that this unhappy Man was sent to *Clerkenwell*, *A—y*, *G—d*, and one *H—d*, went to the Prison, and in a triumphant Manner vaunted of their Prowess, and exulted over this unfortunate helpless Man; but the Inveteracy of *A—y* was so particularly glaring, that he put his Fingers to his Throat, and told him he should be hanged: At the same Time *H—d*, who is an intimate Friend of *A—y*'s and *G—d*'s, and who calls himself an Attorney, (which he can hardly be thought to be) but if he is so, he is a Scandal to the Profession and a Pest to Society. This Fellow, prompted by his noble Companions *A—y* and *G—d*, through a mere malevolent Inclination, without Aggravation or Affront, basely pulled the greater Part of his Beard out of his Face, and with an insatiable Malice and vindictive Spirit beat and kicked him about like a Dog. How dare a Man who pretends to be of that Profession, in open Defiance of those Laws which he ought to maintain,

in

in Contempt of every equitable Christian Thought, leap the Bounds of Justice, so far, as lavishly to abuse what he ought to pity! 'Tis rank Cowardice that makes him live to bear the Weight of it, and want of Shame is his only Shield.

Matters were now ripe for the Trial of *Simons* for Perjury, at the Prosecution of G—d, on the Information he made of the Robbery before the Justice; but *Simons's* Friends thought proper to remove the Indictment into a superior C—t, where the Injured are always sure of meeting Redress: And, on the 10th Day of *December*, 1751, the Trial came on, by a Special J—y of G—n, who very soon saw through the Chicanery, and artful Management, of the Prosecutor, Mr. F—d his S—r, and others; and the J—y, by the Direction of the R—t H—e J—e, brought in their Verdict *Not Guilty*.

This was, doubtless, some Consolation to this unhappy Man; but alas! he must yet prepare for the grand Attack. For now A—y, irritated by this Verdict given against his Friend G—d, went down to *Chelmsford* Quarter-Sessions in *January* last, and prepared a long Bill of Indictment there against *Simons*, for putting three *Ducats* into his Pocket, and charging him with a Robbery of them (the Substance of which will be found at the Head of the printed Trial) the Bill was found, on the Evidence of A—y himself, the C—e, and H—s (the run-away Taylor) which was likewise removed into a superior C—t; and when this was done, A—y prevailed on four of his Creatures to make the very extraordinary Affidavit printed in the Appendix.

Many Hundreds of this Affidavit were printed by A—y's Direction, and dispersed through *Essex*, by him, and his Associates, as well as in the Cities

of *London* and *Westminster*; but *quo animo*? why to prejudice People in general, and particularly the Inhabitants of *Essex*, against poor unhappy *Simons*, who rather merited their Commiseration and Relief, than their Scorn and Malevolence. Wicked and unjustifiable as these Practices were, yet they had their desired Effect; for by these Means, and *A—y*'s Intimacy with the Publicans of *Essex*, it is notorious, that, in almost every Part of that County, *A—y* was deemed an *honest Man*, and *Simons* the greatest of *Villians*.

The Minds of the People being thus filled with these strong Prejudices against the poor Jew, *A—y* having in News-papers, and otherwise, reflected grossly on those Gentlemen, who so charitably assisted *Simons*; it was thought advisable, not to leave the Determination of this Cause to a Common Jury; and therefore *Simons*'s Friends ordered him to apply for a Special J—y for its Trial at the then next Assizes for the County of *E—x*, which was obtained.

On the 12th Day of *March* last, this Cause underwent a Trial, which lasted upwards of Twelve Hours, when the J—y withdrew, and after staying out Five or Six Hours, debating, whether they should bring in a Verdict of Not Guilty, or Guilty, of putting the Three Ducats into the Prosecutor's Pocket, without any Intent; in fine, they agreed to the Latter; and accordingly the F——n delivered in a Privy Verdict of Guilty, not thinking it material to say any thing about its being with no Intent. When they came into the Court the next Day, they were asked, if they abided by their Privy Verdict; at first, the F——n said they did; but they were told, that no Evidence was given as to any of the Counts laid in the Indictment, but the third Count; whereupon, one of the J—y was
heard

heard to say, *We find him Guilty of no Intent.* They were then told, that unless they found the Intent, they could not find him Guilty; but if satisfied of the Intent, they must find him Guilty. But there was so great a Croud of People, and so much Noise in the Court, that the J—y could not possibly hear and understand what was said to them; and though the J——an, who said, *We find him Guilty of no Intent,* stood uncontradicted by the others, yet the Verdict was taken down *Guilty*; which, the J——en say, they did not intend, and that it was occasioned by the Noise, which prevented their hearing.

This being noised Abroad, many of the J—y found means to acquaint *Simons* and his Friends, that such a Verdict was not intended to be given by them; and therefore desired, that Means might be found to set it right, and they would willingly (as they could not reconcile it to their Conciences otherwise) make Affidavit of what was their Intention. Upon this, and mature Consideration, that the Declaration of one of the J——n, that he was not Guilty of any Intent, was a public, open Transaction, with Notice, that they did not intend to find the Defendant Guilty of the Intent, and that it was a Mistake: This Verdict, as taken down, being contrary to the Direction of the H—e J—e, in Point of Law, and the Declaration of one of the J—y, it was resolved, that a new Trial should be applied for; and accordingly *Simons*, in *Easter* Term last, moved the C—t for a new Trial, and obtained a Rule for the P——r to shew Cause why a new Trial should not be granted. In the mean time, Affidavits of what they intended were made by every one of the J——n, which appeared clear and satisfactory, and were found to be consistent with, and consonant to, the Declaration

of one of them, at the very Time; so that it was no After-thought, Collusion, or Fraud; nor could there be the least Room to doubt the Veracity of the several Affidavits, the J——rs being all Gentlemen of Fortune, Probity, and Honour: Therefore, will any honest Man say, that when Errors or Mistakes are discovered, they should not be rectified?

The Consequence of the Defendant's Motion, was, the obtaining a new Trial; the Equity or Justice whereof, will scarce be disputed by any one: Happy, very happy, are the People of this Land, that the Observance of impartial Right and Justice is what the Laws of *England*, and its Judges, are, throughout *Europe*, known to maintain and assert, without any Respect of Persons.

At the last Summer-Affizes, at C——d, this Cause was again tried by another Special J—y, and lasted Thirteen Hours *, when the J—y withdrew, and, in about Eight Minutes, brought in a Verdict, that the Defendant was *Not Guilty*.

Before this Appeal to you is concluded, permit *Simons* to return his most sincere and unfeigned Thanks to all those of Council with him, both in *London* and *Essex*, for their humane, wise, steady, and uniform Conduct, in his Defence against these Contrivers and Abettors, of so uncommon a Scene of Wickedness, which he now does, in the most humble Manner, and looks on them, next to those Friends, whom Providence raised up to him, in his greatest Distress, as the Preservers of his Life and Reputation.

Such benevolent Conduct to a poor Stranger, cannot avoid reaching the Ears of Neighbouring Nations; and must reflect the greatest Honour on our Country in general, and on those Gentlemen in particular.

Having

* The Trial is printed in the Appendix.

Having now given, in as concise a Manner as the Nature of the Affair would permit, a Detail of the Facts; which, it is not imagined, *G—d* himself, or even Mr. *A—y*, will be so hardy as to deny; if they should, You are the Judges of the Facts, and consequently, who is the Injured and Oppressed. There are still some Proofs of a very strong Nature, which it is necessary to reserve 'til a proper Opportunity offers of exhibiting them, it being thought a Matter of the highest Concern to every Individual of this Kingdom, that such unheard-of Wickedness, as hath been practised in this extraordinary Case, should not go unpunished.

From the foregoing Circumstances, can there be a Doubt, whether *Simons* was robbed? If not, can there be a Question about who robbed him? Could *Simons* gain a Shilling by prosecuting *G—d*, or had he any other View but public Justice? None, it was impossible, nay, on the contrary, he was at the Expence of and borrowed Money to carry on the Prosecution. Let us then lay our Hands upon our Hearts, and, for a Moment, put ourselves in this poor Stranger's Situation, in a Country destitute of Friends in his greatest Need, stripped of all he is worth in the World in one Hour, mangled, cut, and abused, and his Life put in the most imminent Danger, and that too in a Place which, by the Laws of Hospitality and Humanity, should be his Castle of Defence and Safeguard against Robbery; sent into the Streets to ask Charity for his Subsistence, without any Knowledge of the Language, his Wife and Child in Prison: And, after all this, the strongest Attempts made that possibly could be to hunt him to his Destruction, by the most illegal Means; and, for what? To establish the Character of one Man, who never more can merit any thing from the Public, and to fill the
Pockets

Pockets of another (who was his bosom Friend) for his Support of that Character. Let us but think what this poor Man has felt, and we cannot so far shut out Humanity from our Breasts, as not to feel a little for, and relieve him from his Anxiety and Distress; and by this Means we shall still retain our Fame of being hospitable and generous to Strangers, and Protectors of the Unhappy.—As to the Affair of the Three Ducats, it is now found, that *Simons* did not put them into *A—y*'s Pocket; but then, the Question is, how they came there? The Answer to which must be, that it is very natural to suppose, they were taken down into *E—x* to make a Prey of the wretched *Simons*; if so, what in your Judgment does that Man deserve for his Pains? No-body will imagine *A—y* such an Idiot as to take up the Cudgels, and make himself a Mar-plot in another Man's Business for nothing. There must be something more at the Bottom of this Affair, which the World are not yet apprized of. Was he feed for assuming the Office of *Catch-Pole*, and did he wear the Office only for a Day to torture this miserable Man? surely that cannot be believed of a *Merchant of London*. Be it as it may, *G—d* and his Coadjutor had best not think themselves too secure, but learn to know, that the Hand of the Lord is not shortened, nor his Ear shut against the Prayer of the Poor and Destitute. *For, Vengeance is mine, and I will repay, saith the Lord.*

APPENDIX.

APPENDIX.

Copy of the Affidavit mentioned in Page 37.

AS the Affair of *Simons the Jew*, for swearing a Robbery against *Mr. Goddard* the Inn-keeper for which the said *Goddard* was tried at the *Old-Baily* and honourably acquitted) has of late made much Noise, and occasioned various Conjectures; the following Depositions having been transmitted to me, for the sake of publick Justice, and Satisfaction to the World, I have caused them to be published, submitting to their Consideration, whether there can be the least Reason now left to believe *Goddard* Guilty, on the single Evidence of so wicked a Jew, or that the said Jew was ever robbed at all.

Bread-street.
Jan. 19, 1752.

James Ashley,

ISAAC HUBBARD, of *Witham* in the County of *Essex*, Innholder, one of the Constables of the Hundred of *Witham* aforesaid; *Richard Taylor*, of *Boreham* in the County aforesaid, Peruke-maker; *Daniel Hughs*, of *Witham* aforesaid, Taylor; and *Eleanor Brown*, of *Chelmsford* in the same County, Cook; severally make Oath and say; and first, the said *Isaac Hubbard*, for himself, saith, That he this Deponent, on or about the *Seventh* Day of *October* last past, having received a Warrant, under the Hand and Seal of *Crisp Gascoyne*, Esq; one of His Majesty's Justices of the Peace for the City of *London*, indorsed by the Reverend *John Tyndal*, Clerk,
one

one of His said Majesty's Justices of the Peace for the said County of *Essex*, dated the *Seventh* * Day of *September* last past, for the apprehending and taking into Custody *Henry Simons*, for Perjury, did, soon after, in Obedience of such Warrant, take into his this Deponent's Custody the aforesaid *Henry Simons*, being then found within the said Hundred of *Witham*, and brought him to *Chelmsford* aforesaid, in order to take further Directions concerning him from the Justices then sitting at the Quarter-Sessions for the said County of *Essex*: And this Deponent saith, that whilst the said *Simons* was so in Custody, he this Deponent did hear and see the said *Henry Simons* utter, in bad, broken *English*, and expresse himself by Signs and Motions, that *James Ashley*, of *Bread-street*, *London*, Merchant (who then being present) had robbed and taken from him the said *Simons*, some Money, mentioning Ducats, and pointing to the said Mr. *Ashley's* Pocket, and saying (You) meaning *Ashley*, had got his (Gilt) meaning his Money; which Mr. *Ashley* denying, desired and consented to be searched; upon which, one Mr. *Newman* put his Hand into Mr. *Ashley's* Pocket, and took thereout a Book and other Things; when Mr. *Simons*, observing that Mr. *Newman* was searching the Left-hand Pocket of Mr. *Ashley's* Coat, arose in haste from his Chair, and by his pointing, and, as well as he could, expressed himself in *English*, did declare, that his Money, Gilt, or Ducats, were not in the Pocket which the said Mr. *Newman* was searching, but that such Money was in the Right-hand Pocket of Mr. *Ashley's* Coat, and that he was particularly positive of it; he the said *Simons* taking hold of such Right-hand Pocket, and saying Words to this or the like Effect (that is to say) *It be here, de Gilt be here*

* This should have been the 27th.

here in his Pocket; upon which, Mr. *Ashley* examined his Right-hand Pocket, and found therein Three Ducats in Gold (foreign Coin) and which Ducats, this Deponent doth verily believe, were conveyed by *Simons* into Mr. *Ashley's* Pocket, with a fraudulent Design to injure him, in swearing a Robbery against him, he the said *Ashley*, having given Information to the Prosecutor of *Simons* where he was to be found, by which means he was taken; and the more so, *Simons* insisting so very strong, that the Ducats were in such Right-hand Pocket as aforesaid, and no other; and from divers other Circumstances then appearing to this Deponent. And the said *Richard Taylor*, for himself, saith, That he being present at the Time when said *Simons* was in Custody, did see him the said *Simons* as he was stooping down, take something out of his Pocket very secretly and obscurely; that soon after the aforesaid Mr. *Ashley* came into the Room and went to *Simons*, in order to hear what he had to say to him, *Simons* having called for him, he, this Deponent, perceived *Simons* feeling at *Ashley's* Coat Pocket, and actually did see the said *Simons* put his Hand into the Left-hand Pocket of Mr. *Ashley's* Coat; upon which, this Deponent pulled or snatched *Simons's* Hand from the same, asking him, if he designed to pick the Gentleman's (meaning Mr. *Ashley's*) Pocket; and this Deponent really believes, he then attempted to put the aforementioned Ducats into Mr. *Ashley's* Pocket, but was prevented by his, this Deponent's, hastily taking hold of his said *Simons's* Hand; for that, soon after this, the said *Henry Simons* calling to Mr. *Ashley*, desired to speak with him privately; accordingly, Mr. *Ashley* went to him; but *Simons* speaking bad *English*, and then in a low Voice, obliged Mr. *Ashley* to lean down to him, that he might the better understand

understand what he said : And this Deponent further saith, That while the said Mr. *Ashley* was thus listening to *Simons*, he, this Deponent, did see the said *Henry Simons* put his Hand into Mr. *Ashley's* Right-hand Coat Pocket, and sitting down, immediately charged (as well as he could in respect to Language) the said Mr. *Ashley* with having his Ducats, directly pointing to the Right-hand Pocket of Mr. *Ashley's* Coat ; whereupon this Deponent doth verily believe, that the Ducats found therein were put or conveyed there by the said *Simons*, at the Time that this Deponent saw his, said *Simons's*, Hand in Mr. *Ashley's* Right-hand Pocket, as aforesaid, and that the same was so put with an evil and fraudulent Design. And the said *Daniel Hughs*, for himself, saith, That he, this Deponent, did assist the above-named *Isaac Hubbard* in taking the said *Henry Simons*, and was with him all Night before brought to *Chelmsford* ; that in the Morning this Deponent saw *Simons* telling over Money, and saw in his Hand Three Pieces of Gold, about the Size of Half Guineas, but of Foreign Coin, which he, this Deponent, doth verily believe were the same Pieces conveyed into Mr. *Ashley's* Pocket, and by the said *Simons* himself, he, this Deponent, seeing them taken from out Mr. *Ashley's* Pocket, and they appearing to him to be the same which he had seen in *Simons's* Hand the same Morning ; for that some time after, said *Simons* was searched very narrowly, and no Gold was found about him, or any other Money, except One Shilling and Nine Pence Half-penny, and no more. And the said *Eleanor Brown* did see the said *Henry Simons* feeling of, and attempting to put his Hand into Mr. *Ashley's* Right-hand Coat Pocket ; and that when Mr. *Newman* was examining Mr. *Ashley's* Left Pocket, as aforesaid, heard said *Simons* declare and point out,

out, that his Gilt, meaning his Money, was in Mr. *Ashley's* Right-hand Pocket; by which she, this Deponent, doth verily believe, that the afore-said Ducats were actually put into Mr. *Ashley's* Pocket by him the said *Simons*, at the Time she saw his Hand in or near the Pocket as aforesaid. And lastly, they the said *Isaac Hubbard* and *Richard Taylor*, for themselves severally, say, That they were present with the said *Daniel Hughs* when *Simons* was searched, and that no Part of his Cloaths or Bundles which he had about him was left unsearched, but so strictly examined, that they do believe, no Money, or other Thing whatsoever, would be left therein undiscovered, and that no Money of any kind was found about him, except the above One Shilling and Nine Pence Half-penny. And that they do all verily believe, that the same Three Ducats as aforesaid, directed to be found in Mr. *Ashley's* Pocket as aforesaid by *Simons*, were put therein by him the said *Simons*, they really believing it impossible for him to be so exact in his Direction, unless placed or put there by himself before.

Sworn before me, one of
His Majesty's Justices
of the Peace for the
County of E—x, this
15th Day of Jan. 1752.

J— T—

Isaac Hubbard.
Richard Taylor.
Daniel Hughs.
The Mark of
Eleanor ✕ *Brown.*



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THE
T R Y A L
O F
HENRY SIMONS,
A *Polish* Jew Merchant,
A T
CHELMSFORD ASSIZES,
July 12, 1752.

At the Prosecution of *James Asbley,*
on the following Indictment.

THE
T R Y A L

H E N R Y
A P P L E T O N
M O N T G O M E R Y



C H E L M S F O R D A S S I Z E S

J u l y 1 8 1 7 5 5

A t the Proclamation of James Oglethorpe
on the following Indictment.

D

The INDICTMENT sets forth,

Essex.

THAT *Henry Simons*, on the 5th September, in the Twenty-fifth Year of His Majesty's Reign, did, in Form of Law, before *Richard Chamberlayne*, Esq; one of His Majesty's Justices of the Peace for the County of *Middlesex*, make his Information in Writing, by which he did, amongst other Things, charge and accuse one *Joseph Goddard*, and one other Person, by the Description of another Person, unknown, of the Crime of Felony and Robbery, to wit, That the said *Joseph Goddard*, and the same Person unknown, had lately before, feloniously stolen and carried away from the said *Henry Simons*, in the Dwelling-house of the said *Joseph Goddard*, Five hundred fifty-four Ducats.

Count. I. That the said *Henry Simons*, wickedly devising to vex and aggrieve one *James Ashley*, of *London*, Merchant, on the 8th of *October*, in the same Year, with Force and Arms, at *Chelmsford* in the County of *Essex* aforesaid, did, secretly and subtilly, put and convey into the Right-hand Pocket of the Coat which the said *James Ashley* had on and wore, Three Pieces of Foreign Coin of Gold, called Ducats; and the said *Henry Simons* did afterwards, in the Presence of divers of His Majesty's Subjects, falsely charge and accuse the said *James Ashley*, that he was the same Person who, with the above-named *Joseph God-*

dard, was so, as aforesaid, supposed to have committed the Felony and Robbery above specified, and to have stolen and carried away the said Five hundred fifty-four Ducats from the said *Henry Simons*, with Intention unjustly to cause the said *James Asbley* to be apprehended, and to have it believed, that he was the same Person who, with the said *Joseph Goddard*, was so, as aforesaid, supposed to have committed the Felony and Robbery aforesaid.

II. That the said *Henry Simons*, on the said 8th of *October*, at *Chelmsford* aforesaid, further wickedly intending to aggrieve the said *James Asbley*, did, privily and subtilly, put and convey into the Right-hand Pocket of the Coat which he then wore, Three other Pieces of Foreign Gold Coin, called Ducats; and the said *Henry Simons* did afterwards, falsely charge and accuse the said *James Asbley*, that he had feloniously taken from him the said *Henry Simons*, the same Three Ducats last mentioned, and divers other Ducats, with Intention to cause it to be believed and suspected, that the said *James Asbley* had been guilty of Felony; and to cause him to be apprehended and arrested for the same.

III. That the said *Henry Simons*, on the same Day and Year last aforesaid, at *Chelmsford* aforesaid, with Force and Arms, did make an Assault upon the said *James Asbley*, and into the Right-hand Pocket of the Coat which he then had on and wore, Three other

other Pieces of Foreign Gold Coin, called Ducats, he the said *Henry Simons* did then and there privily, and without the Knowledge of him the said *James Ashley*, unlawfully put and convey, and cause to be put and conveyed, with a most malicious, wicked, and cruel Intention, then and there falsely to charge and accuse, and to cause it to be thought and believed, that the said *James Ashley* had robbed him the said *Henry Simons* of the same.

- IV. That the said *Henry Simons*, on the same Day and Year last above-mentioned, with Force and Arms, at *Chelmsford* aforesaid, upon the said *James Ashley* did make an Assault, and into the Right-hand Pocket of the Coat which the said *James Ashley* then and there had on and wore, Three other Pieces of Foreign Gold Coin, called Ducats, did privily, and without the Knowledge of him the said *James Ashley*, unlawfully put and convey, and cause to be put and conveyed; and that he the said *Henry Simons* did afterwards, then and there, most falsely and maliciously charge and accuse the said *James Ashley* with having robbed him the said *Henry Simons* of the said Three Ducats, with Intent unjustly and wrongfully to subject the said *James Ashley* to the Pains and Penalties inflicted by the Laws of this Kingdom for such like Offences.

To this Indictment *Henry Simons* pleaded *Not Guilty*.

The Names of the SPECIAL JURY.

Walter Vane, Esq;
Thomas Smith, Esq;
Robert Andrews, Esq;
Samuel Savill, Esq;
Thomas Stubbing, Esq;
Joseph Clarke, Esq;
Thomas Sewell, Esq;
Matthew Howland, Esq;
Bennet Clere-Rand, Esq;
John Lawton, Esq;
Talefmen, { *George Mead, Esq;*
 { *Samuel Pilbrow, Carpenter.*

THE

THE TRYAL, &c.

The Evidence in Support of the Prosecution.

James Ashley, the Prosecutor. I Am a Merchant in *Bread-street, London*; I deal in Brandy and Wine.

Q. Do you know *Henry Simons* a Jew ?

Ashley. I do; the first Time of my seeing him was at Mr. *Goddard's*, whom he charged with a Robbery, and having Notice of it, he came voluntarily and surrendered himself at the House of Justice *Fielding*, before Justice *Chamberlayne*; at which Surrender there were People whom he had wrote to, to be by to give such Testimony of him as they thought he deserved. *Simons* had Notice to be there. There were upwards of Twenty substantial Tradesmen of Mr. *Goddard's* Friends; I was there for one.

Q. Have you dealt with Mr. *Goddard*?

Ashley. I have, but not for much, for some small Matter.

Council. Proceed.

Ashley. *Simons* having sworn the Robbery so fully upon him, notwithstanding his general Character did appear so good, by Gentlemen of great Character that attended, the Justice ordered his Commitment.

Q. When was this you saw *Simons* ?

Ashley. I think it was the 11th of *September*; after that, I was obliged to take a Journey into

Gloucestershire, and knew nothing of their Proceedings, no more than that I read it in the News Papers; that *Goddard* was honourably acquitted, and the Jew represented to be a very bad Man, and *Goddard* came off with great Reputation. And on my coming to *London*, Mr. *Ford* told me how honourably his Client had come off, and that the Jew was a very bad Man; and that Mr. *Goddard*, upon a Consultation with some great Men, particularly my Lord——

Council. That is not to the Purpose, keep to the Matter in hand.

Ashley. On my Return from *Gloucestershire*, one *William Death* was arrested at my Suit, which I was informed of by *William Newman*, at the *Red-Lion* at *Ingatestone*; he desired I would come down to *Chelmsford* and discharge him. The Letter was so pressing I thought it adviseable to come down, which I did, I think, on the 4th of *October*, and discharged him. Upon my Return again, I lay at *Ingatestone* that Night, and the next Day, being *Sunday*, I dined at the *Green Man* at *Ilford*; I thought to take such time as would carry me home; I set out a little after Five o'Clock, and, as I was betwixt *Ilford* and *Stratford* I saw *Simons* the Jew, he was nearer *Stratford* than *Ilford*; I looked at him, thought I, this is the Man that Mr. *Ford* told me of, that he had an Indictment against him for Perjury; I drewed up a little nearer to him, and perceived he was the Man, but I do not remember I spoke any thing to him.

Q. Which Way was he going?

Ashley. He was coming this Way into *Essex*, he was on my left Hand, as my Face was towards *Stratford*.

Q. Was there Any-body with him.

Ashley. I really think there was No-body with him or nigh him for a good Distance.

Q. If

Q. If Any-body had been near him, should you have seen them?

Ashley. I should.

Q. Was it light?

Ashley. It was a little duskyish.

Q. Are you certain you did not speak to him?

Ashley. I do not remember any thing that passed; I proceeded on my Journey and went to my own House; it did not enter into my Thoughts at all to give myself any Trouble about it. About Twelve o'Clock the next Day our Cook told me, there was nothing for Dinner; I had not been out of my House; I went into *Honey-lane-Market* undressed, with a dirty Shirt on, no Buckles in my Shoes, far from any Intention to take a Journey after *Simons*; I recollected having seen the Jew, and knowing Mr. *Ford*, who was Solicitor for *Goddard*, had told me there was an Indictment against him for Perjury, I went to inform him where I met the Jew, that if he thought it adviseable, he might send in Pursuit of him, for I thought he was going out of the Kingdom, by his having a Knap-sack on his Back. Mr. *Ford* said, he had a Warrant against him, and pressed me that I would go along with his Clerk.

Q. Was Any-body in the Hearing of this?

Ashley. There was a Gentleman with him when I went into the Room, but in this Conversation I really think we were alone together. The Gentleman withdrew; the Clerk, which Mr. *Ford* pressed me to go along with, is since taken into the Service of the Clerk of the Crown-Office, who is concerned in this Prosecution. Mr. *Ford* shewed me a Warrant, under the Hand of Alderman *Gascoyne*; said I, this is of no Force in *Essex*; said he, the Alderman is a Justice of the Peace for *Essex*; said I, it does not seem to me to be a regular Warrant.

Then

Then he took a Pen and Ink, and in my View wrote, *Essex and*, and said, I will stand by it, this is a regular Warrant; I, supposing it was so, and by his Persuasion, and on his promising to pay me all the Charges I should be at, complied to go. He recommended me to take a Post-Chaise at the first Place I could.

Q. Should you have gone, if he had not pressed you in this Manner?

Ashley. Indeed I should not.

Q. Then you did go?

Ashley. I went with *Newman*, we took a Post-Chaise in *Whitechapel*.

Q. Who had the Warrant?

Ashley. He gave me the Warrant, I believe; we pursued from Stage to Stage, and asked People on the Road, if they saw such a Person on the Road, describing him; a little on this Side *Witham* I saw a Boy on Horseback.

Q. How far is *Witham* from *Chelmsford*?

Ashley. It is about Nine Miles beyond it. I asked this Boy. I said, I was told, there was such a Man as I described; the Boy rode on and stopped him.

Q. Was the Warrant shewed to the Boy?

Ashley. I believe the Warrant was taken out and shewed to him; I shewed it him, and said, *for Perjury, for Perjury*. Upon the Boy's stopping him, there was another Boy with a Cart just by. Being thus taken, *Newman* and the two Boys put him into a Cart, and the Boy that belonged to the Cart held him as well as he could, this was in order to convey him to a Constable; I enquired where the next Constable lived, and was informed, it was at *Witham*. After he was in the Cart I heard a strange Outcry, and was told, the Jew had bit the Boys
Finger.

Finger as they were holding him about the Head. The Jew jumped out of the Cart.

Q. How many of you were in the Cart with him?

Ashley. I believe there was only one Boy with him; he appeared to be about Nineteen Years of Age. The Jew ran about half the Length of this Town before he was taken again; I think I was then in the Chaise all the Time. The Boy that was before on Horseback ran after him alone; he was brought back, then I got out of the Chaise and he was put in and we carried him to *Witham*.

Q. Did Any-body ride in the Chaise with him?

Ashley. I believe both the Boys were put into the Chaise with him, we carried him to the Post-House there; I walked on foot part of the Way; I believe they went into *Witham* before me; *Newman* directed them to the Post-House; then I desired the Constable to be sent for, and accordingly he was.

Q. What was his Name?

Ashley. His Name is *Isaac Hubbard*.

Q. What Charge did you make against him?

Ashley. I delivered him and the Warrant to the Constable, the Warrant was for wilful and corrupt Perjury; the Constable and some Assistants took him out of the Post-Chaise and conveyed him into a Room.

Q. What Time of the Day was this?

Ashley. Then it was dark; then the Constable said to me, these wicked Jews carry about with them Snicker-snee Knives, and very mischievous Weapons, as I have heard; said I, I have nothing to do with him, I have delivered him to you, if you can convey him before the Justice To-night, I should be very glad; said he, there is no such thing, the nearest Justice is Mr. *Bragg*, who lives so far off,

off, said he, I will take care of him 'til the Morning. He said he was almost afraid to meddle with him, 'til he saw he had nothing capable to do Mischief; whereupon, some People, at the Constable's Direction, put their Hands to his Pockets; but nothing else as I saw; for my part, I went to bed.

Q. By whose Desire was he searched?

Ashley. It was *Hubbard* himself came to me, and desired to search him, but I went out directly into the Kitchen; the Constable came to me again in the Morning, and said, we will carry him before Justice *Bragg*; I went on in my Post-Chaise to Justice *Bragg's*.

Q. Where does he live?

Ashley. He lives between *Witham* and *Chelmsford*; the Constable carried him there.

Q. Was you present there?

Ashley. I was, the Justice said it was the Time of the Quarter Sessions, and the Justices were assembled at *Chelmsford*, and it would be no Delay of Justice for us to carry him there; so he directed us thither; they brought him here to a Room at the *Saracen's Head*; there was a Room full of People; I seeing the Under-Sheriff, Mr. *Johnson*, advised with him what to do; I or the Constable shewed him the Warrant; he said, you are all wrong here, for Alderman *Gascoyne* is no Justice for *Essex*.

Q. Who shewed him the Warrant?

Ashley. I took it out of the Constable's Hand and shewed it to him. Upon my Salvation I really thought Alderman *Gascoyne* was a Justice of the Peace for the County of *Essex*; said Mr. *Johnson*, it would be adviseable to get this Warrant backed as soon as possible; by his Advice I got it backed by Mr. *Tindal*.

C. This is a long Preamble of nothing to the Purpose: What was done at the *Saracen's Head*?

Ashley.

Ashley. We were in a Room there; it being signified to the Jew that he must go to *London*, and so to *Newgate*; as he apprehended, it put him upon this wicked Resolution that came immediately into his Head; I was sitting at one Corner of the Room, and he at the other; he beckons to me to come to him, I saw him pull out a Purse, out of which I saw something like Pieces of Gold, how many or what I did not know; I told him I did not understand his Language that he spoke, and that he knew mine, so I would not come; I went out to hire a Post-Chaise to come to *London*, after I had hired one and come back again, he then came to the Fire-side; then he again desired to speak to me; I leaned my Head down.

Q. Was he sitting or standing?

Ashley. I think he was sitting by the Fire; in about a Minute or two after, he worked himself into such a Fit of Passion, that would surprize any Christian Man to see. I generally wear my Coat open and my Pocket quite easy, for Any-body to put any thing in.

(*Here it was proposed to examine the Witnesses apart*)
I was talking to some other People in the Room at the Time these were put in my Pocket.

Q. Do you know the precise Time?

Ashley. No, I do not.

Q. How many People were there in the Room?

Ashley. There was *Isaac Hubbard*, and, I believe, three or four more; the Cook and two other Maids were there belonging to the House; there was Mr. *Gaines* that keeps the *Star*; and a Quaker was there; he is a Distiller in this Town; the Jew cried out, *You rob me, you rob me, you got my Ducats; you rob me, you got my Gelt, my Ducats, you Villain; you Rogue, you rob me, you rob me.*

Q. Did he charge you with a Robbery?

Ashley.

Ashley. He did, he charged me with robbing him of his Ducats; he said, *You rob me, you got my Ducats, you rob me, they be in your Pocket now.*

Q. Did he make any Signs?

Ashley. He put his Finger to his Neck, and said, *Goddard, Goddard*, and had some sort of Gestures; I was quite surprized; there were People in the Room, they said, this Man says, you have robbed him, you have got his Ducats in your Pocket, I put my Hand in my Left-hand Pocket and pulled out my Pocket-Book, and shewed it him; No, said he, *here be the Gelt in this Pocket, me swear it is not in that Pocket; t'other Pocket, here, here, here be de Gelt, here be de Gelt.* I was quite surprized, I took my Handkerchief out of my Right-hand Pocket; and there dropped down a Ducat; I put my Hand in again and found Two more; my Handkerchief was on the Top of the other Things in my Pocket.

Q. Did you know a Ducat before?

Ashley. No, I never had seen a Ducat before, I did not know what sort of Coin it was, but they proved to be Ducats; said I, how they came here I cannot tell: With that, said *Eleanor Brown* to the Jew, I saw you put your Hand into his Pocket; and a great Number of them charged him; they saw his Hand in my Pocket. He, immediately upon this, seeing Three Ducats, said, *This be my Ducats, this be my Gelt.* Then *Eleanor Brown* said, I saw you put your Hand in his Pocket just now: And so said seven or eight more; there were ten or a Dozen said so.

Q. Did he charge you with them?

Ashley. He did then. I positively say, *I did not put them in myself; and, to the best of my Knowledge, I never saw a Ducat before that Time in my Life; and by these Circumstances I concluded, none could*

could put them into my Pocket but he ; and I am sure they had been there but a little while, because I had bought a Pennyworth of Walnuts, and put them into that Pocket, and was just come into the Room again.

Q. Had you no such Money with you when you came out of *London*?

Ashley. I had not ; to the best of my Knowledge, I never saw a Ducat before in my Life.

C. *Whether or no did you positively swear, you never saw a Ducat, or to the best of your Knowledge?*

Ashley. I do not know that ever I had seen a Ducat ; I never was interested in or possessed of any. I having seen and spoken to Mr. Alderman *Gascoyne* in the House a little before that, and supposing he was somewhere in the House, I sent my humble Service to him, and that I should be glad if he would please to come down and examine this Man.

Q. How long after this Affair was it that he came down ?

Ashley. He came in about Three quarters of an Hour ; it was a long time : He came into the Room ; I related to him the Substance of what I have been telling here. Then the Jew, *thinking* he had the Charge laid before a *Magistrate*, he put himself on the best Defence he could. Then all the People said, We saw you put these Ducats into Mr. *Ashley's* Pocket. Then he said, *No me, none of mine Ducats*. Then he denied it, although before he would have sworn a Robbery.

Q. What did he deny ?

Ashley. He denied he had said any such a thing ; but the People were all with one Voice ; the general Cry was, that he had put these Ducats in my Pocket, calling him Rogue.

Q. What did the Jew say then ?

Ashley.

Ashley. He said before the Aldermen, *These be not mine Ducats*: He said so to the Alderman, who understands a little of his Language; he can best give an Account of the Discourse: Then he said, *They be not mine Ducats, they be Goddard's Ducats.*

Q. Did you hear him say this?

Ashley. I did, so far as I know *English*.

Q. Was any thing said in *Dutch*?

Ashley. There were Questions and Answers, but this Talk was in broken *English*.

Q. Upon your Oath, whether before and after the Alderman's coming, he did not make use of the same Expressions? Did he charge you in the same Manner he denied it, or in other Words?

Ashley. Yes, Sir, he charged me before the Alderman; he did admit them to be his own Ducats.

Cross Examination.

Q. When was the first time you saw *Simons*?

Ashley. It was at Justice *Chamberlayne's*; and the next time, I met him on the Road, between *Ilford* and *Stratford*.

Q. Did you not see him between those Times?

Ashley. I do not remember I ever did.

Q. Are you certain there was No-body with him when you met him on the Road?

Ashley. I really believe there was No-body with him. On the last Trial, there was a Person declared he was with him; he gave a very romantick Account, about pulling out a Handful of Ducats; I suppose we shall have him now.

Q. Do you remember any thing of meeting that Person after that Time?

Ashley. I do not remember any thing of it.

Q. Will you say he was not there?

Ashley. I will not say, I am sure he was not; I think he was not.

Q. Must

Q. Must you not have seen him if he had been there?

Ashley. May be he was seven or eight Yards distance from *Simons*; it was almost dark; I was obliged to come pretty nigh.

Q. How nigh?

Ashley. Within about a Yard and half of him.

Q. Whether you did not go to Mr. *Ford*, on purpose to acquaint him the Jew was on the Road?

Ashley. You have as much Design as I had then; when I went out I had no Design to go to Mr. *Ford*.

Q. Who did you intend to serve, Mr. *Ford*?

Ashley. He was my Acquaintance, and I thought proper to let him know, that he might bring the Jew to Justice.

Q. Who did you intend to serve by going to Mr. *Ford*?

Ashley. I thought it was for Justice, public Justice, and that Mr. *Ford* ought to know it; it was to serve the Public only; I went out of a friendly Motive for the sake of public Justice.

Q. Do you remember you made a voluntary Offer to go after him?

Ashley. I do not know I did.

Q. Who was the Warrant delivered to by Mr. *Ford*?

Ashley. I cannot say to whom he delivered it.

Q. Who do you believe had it?

Ashley. I really believe he delivered it to Mr. *Newman*.

Q. *Newman* and you set out together, did you not?

Ashley. We did, in Pursuit of *Simons*.

Q. Did you not meet with Mr. *Johnson* and Mr. *Cresswell* at *Ingatestone*?

Ashley. We did.

Q. Do you remember the Discourse which passed betwixt you and them?

Ashley. I do not remember very well; I know I told Mr. *Johnson* what we came about, and asked him, if he had seen such a Jew.

Q. Do you remember the Advice Mr. *Johnson* gave you?

Ashley. If I had taken it, I should not have fallen under the Hands of these unmerciful Jews. He advised me to return back again.

Q. Did you not acquaint Mr. *Johnson* you had got a Warrant against him?

Ashley. I do not remember any such thing.

Q. Did you shew him a Warrant?

Ashley. I believe I did; what is Truth I will keep to.

Q. Did you declare, what was your Motive in going after *Simons*; who you intended to serve by it?

Ashley. He said, I should fall into bad Hands; I said, as I am now come so far, I will pursue him: As to *Goddard* and a great many other Innkeepers on the Western Road, they all believe *Goddard* an Innocent, and the Jew a very wicked Man. I believe I might say so far, that it would be a great Satisfaction to all the Innkeepers on the Road between *London* and *Bath*, that such a wicked Man be brought to Justice.

Q. Whether you did not declare, you would pursue him to the utmost, for the sake of *Goddard* your old Acquaintance?

Ashley. I think I never spoke such a Word.

Q. Was this the only Answer you gave?

Ashley. I believe it was.

Council. I will put you in mind, whether you did not tell him, it was for your Interest to pursue *Simons*.

Ashley.

Ashley. I do not know I said so ; I believe this I did say, that, as I deal with most of the Inns between *London* and *Bath*, it would be highly satisfactory to them, to have him brought to public Justice.

Q. Whether you did not declare, that if you served your Friend *Goddard*, you should serve all the Inns on the Western Road with Spiritous Liquors ?

Ashley. I said, it would be a general Satisfaction to all the Innkeepers on that Road, knowing *Goddard* was an honest Man, to have the Jew brought to Justice.

Q. Do not you remember you said, it would be of some Advantage to you in the way of your Trade ?

Ashley. I do not remember I said so.

Q. What was the Lad's Name which you desired to go after *Simons* ?

Ashley. I do not remember his Name.

Q. Do you remember what you told him you was about to take up *Simons* for ?

Ashley. Said the Boy, What is it for ; I believe, either Mr. *Newman* or I said, here is a Warrant for Perjury.

Q. Did not you say he was a Highwayman ?

Ashley. The Boy rode on ; There is, my brave Boy, said I, a Highwayman ; that was to encourage him to pursue and apprehend him.

Q. Was the Jew searched at *Witbam* ?

Ashley. I think he was ; but I was not in the Room.

Q. By whose Direction was he searched ?

Ashley. I think it was by the Direction of the Constable.

Q. Did not you give Direction about his being searched ?

Ashley. I do not know that I did.

Q. Had you no Discourse with Mrs. *Bourne* about the Search?

Ashley. I had, with her and Every-body about the House.

Q. Did not you say, you searched him for Ducats?

Ashley. Lord have Mercy upon me! it never entered into my Heart.

Q. Did or did not you order him to be searched, to see if he had any Ducats about him?

Ashley. I do not know any thing of it; I do not remember a tittle of it.

Q. How came you by the Knowledge, that the Jew understood he was to go to *Newgate*?

Ashley. Because it was said, he was to go to *Middlesex*, and so to the County Gaol.

Q. Do you know who interpreted for him?

Ashley. I do not know Any-body did.

Q. Is he a Foreigner or an *Englishman*?

Ashley. He is a Foreigner, I believe.

Q. Did you understand his Language?

Ashley. It is a Language of his own, which I did not understand.

Q. Does he understand *English*?

Ashley. He understands a good deal of *English*.

Q. Did you go to the Jew when he beckoned you?

Ashley. No, I did not.

Q. How far distant were you?

Ashley. He was at one Corner of the Room and I at the other?

Q. How big is the Room?

Ashley. It is about as big or a little bigger than this Court.

Q. Did you see him take something out of his Purse?

Ashley.

Ashley. I did ; it appeared to be Gold.

Q. Can you say it was Gold ?

Ashley. Indeed I cannot ; he had the Purse fumbling among his old Rags and Tatters that he had on.

Q. Did you see him put the Ducats into your Pocket ?

Ashley. I did not.

Q. Why do you say he put them in ?

Ashley. I will not pretend to say he put them in.

Q. You say, he said, *You rob me, you rob me, you got my Ducats, they be in your Pocket ; you have got my Gelt in your Pocket, me swear ;* did he declare this in *English* ?

Ashley. Yes, he did, in this Language ; it was quite broken *English* ; he said, *T'other Pocket, not that, t'other, t'other.*

Q. How came you to know they were Ducats, as you say you had never seen any before ?

Ashley. I did not know that they were Ducats, at the time of the pulling them out.

Q. Do you know *Higham Levi* ?

Ashley. I saw him here the Time of the other Trial ; which was the first and last Time I ever saw him in my Life. I am sure you yourself did not believe what he said about Ducats ; I never saw him 'til I saw him in the Place where I now stand.

Q. Do you know one *Elizabeth Ward* ?

Ashley. I never heard of such a Person.

Q. In what Country are Ducats the current Coin ?

Ashley. I believe they are a *German* Coin.

Q. Was you ever Abroad ?

Ashley. I was once ; I crossed over to *Holland*, where I was about two or three Days.

Q. Was you ever in *Flushing* in *Zeeland* ?

Ashley. I believe I was ; we went through *Zee-land*.

Q. Was it a Journey of Pleasure or of Traffick ?

Ashley. I believe I did trade, but it was more out of Pleasure ; there was a Person with me that traded.

Q. Did not you trade ?

Ashley. I believe I bought a few Things.

Q. Did you sell any thing ?

Ashley. I believe I did sell something.

Q. Was it by way of Truck, or had you Money ?

Ashley. It is about Thirty-Years ago, and I can tell nothing at all about it.

Q. What Year was it ?

Ashley. It was some time before the Year 1730.

Q. Did not you see Ducats there ?

Ashley. I remember nothing at all that ever I saw a Ducat in my Life.

Q. What is the current Coin in *Holland* ?

Ashley. Guilders are the current Coin there.

Q. Was Mr. *Tindal* in the Room when the Ducats were found ?

Ashley. He was not in the Room at all when the Jew was there.

Q. Who undertook to interpret for the Jew ?

Ashley. No-body did but Alderman *Gascoyne*.

Q. Did not the Constable ?

Ashley. The Constable said little or nothing in *Dutch*.

Q. Did the Jew deny the Ducats to be his at last ?

Ashley. He denied what Every-body confirmed.

Q. What were the Words he made use of when he denied them ?

Ashley. I think it was, *Neet myn Ducats*.

Q. Do

Q. Do you remember the Observations of the By-standers, made on the Jew's pronouncing these Words?

Ashley. The Observations of the By-standers were; that he put them in, he was seen by the People, which you will have from them.

Q. Repeat what he said when he charged you?

Ashley. He said, *You have mine Ducats, you, you, you, you, you; you have mine Ducats.*

Q. When did he first charge you?

Ashley. Immediately after he found it was seen by the other People.

Q. Where did you carry him from Chelmsford?

Ashley. He was conducted to Justice Fielding's.

Q. Did you charge him with this Offence before the Justice at that Time?

Ashley. No; that was not the Matter then before him; I said nothing of it then, but I did afterwards, by the Advice of Mr. Ford. Then we went before Mr. Fielding to take out a Detainer after he was committed.

Q. Did you make Application to a Justice of the Peace here upon this Occasion?

Ashley. No, I did not.

Q. Was you before the Justice when Goddard surrendered?

Ashley. I was.

Q. Did the Jew then charge you with having robbed him of his Ducats?

Ashley. No, he did not.

Council for the King. This Examination makes it necessary to ask a few Questions.—How long were you and Mr. Johnson together?

Ashley. Not above two or three Minutes.

Q. Can you tell what you did say to him?

Ashley. At this Distance I cannot.

Q. Was you in the Room at the Search at *Witham*?

Ashley. I cannot take upon me to say I was, only when they began to search.

Q. How long did you continue in any one Place when in *Flushing*, or thereabouts?

Ashley. I did not continue above Three Days in any one Place.

Q. The Jew made use of *Neet my Ducats* to Alderman *Gascoyne*. The other Council would have it be understood, the By-standers said he was then repeating his Charge, that you had his Ducats: Did the People understand it so from those Words?

Ashley. The People saw him put them in.

Council. You do not understand the Question.

Ashley. He did not make use of the Expression, *Neet mine Ducats*, when he charged me.

Q. Had he declared before to the By-standers they were his Ducats?

Ashley. He had, in my hearing.

Council for Defendant. Was it not in *February*, 1729, you was in *Flushing*?

Ashley. It was.

Q. What did you trade in?

Ashley. There was a Person with me had a Parcel of Cloth.

Q. Was not you concerned in it?

Ashley. I was partly concerned in them.

Q. Is there any other Gold Coin in *Flushing* and *Middleburgh* besides Ducats?

Ashley. I do not know, really; I do not believe Ducats are the current Coin there; there are Guilders; they have another sort of Coin that I do not know; it is a *German* Coin, that I know.

Q. Can you be positive, whether you was by when the Jew was searched at *Witham*?

Ashley. I cannot be positive whether I was present or not; if I was, it was but a very short time.

Q. Re-

Q. Recollect; What was he searched for?

Ashley. There was no Search for any thing but Snicker-snee Knives.

Q. Recollect; Did or did you not stop, when you drove up to him on the Road?

Ashley. I really cannot say I stopped one Moment.

Q. Can you say, you did not stop?

Ashley. I cannot say I did not.

Q. Are you sure you did not speak to him?

Ashley. I do not know I spake one Word to him; I do not know I did or did not; I think I did not.

Q. Have you never said in Company, that you spoke to him?

Ashley. I might relate in Company, that I looked at him; but I do not know I ever said, in any Company, I stopped and spoke to him.

Isaac Hubbard's Evidence.

Isaac Hubbard. I was Constable at *Witham* in *October* last; on the 7th I was sent for to the *Blue Posts*; when I came there, Mr. *Ashley* said to me, Are you a Constable? I said, I am. Said he, We have detected a Villain, a Jew, that I must deliver into your Charge; saying, Here is a Warrant under the Hand of Mr. Alderman *Gascoyne*. I took him and the Warrant into a Room; I asked Mr. *Ashley*, whether it was proper to search him for Knives or any thing of that sort, which he might do us a Mischief with? I ordered two Men to search him: They searched him; but not for Money; I never enquired for Money, for my part.

Q. Was you present in the Room at the Time of the Search?

Hubbard. I was not. I keep a Publick-house, the *Cock*, at *Witham*; I took him there 'til Morning; then we brought him near two Miles this way to Justice *Bragg's*; he desired us to come to *Chelmsford*,

ford, the Gentlemen then being sitting at the Quarter-Sessions. We went to the *Saracen's-head*. The Warrant was backed by the Rev. Dr. *Tyndal*, at the Coffee-house. When we were in the Room at the *Saracen's-head*, I was backwards and forwards to keep People from coming in ; I was walking about ; being in a little Passage, I heard a Noise in the Room ; Some-body said, *You rob me, you rob me* ; I did not see him attempt to put his Hand in Mr. *Ashley's* Pocket ; I heard him accuse him of having robbed him ; he said, *You rob me, you got my Ducat* ; and directly pointed to his Pocket, saying, *You have got my Gelt* : Upon these Words, Mr. *Ashley* denied it ; and I desired Mr. *Newman* to search him : He searched his Left-hand Pocket, and pulled out a Book and some other Things.

Cross-Examination.

Q. Do you know of its being given out, the Jew was a Highwayman ?

Hubbard. No, not I.

Council for the King. Did you hear the Jew talk to Alderman *Gascoyne* ?

Hubbard. The Alderman came in ; they talked together ; I cannot say what the Jew said to him.

Council for the Defendant. In what Condition was the Warrant when delivered to you ?

Hubbard. There was, *Essex* and in Writing, and *London* in Print.

Q. Did not you interpret to the People .

Hubbard. I do not know that I did ; what I knew, in all likelihood, I might explain, but I do not know that I did ; I understand but a very few Words ; when they want to Eat, or Drink, or Lodging, or so.

Q. Do you understand the *English* of *Neet myn Gelt* ?

Hubbard. I cannot say I do.

Q. What

Q. What did he say ?

Hubbard. He said, *My Gelt be neet here in this Pocket* ; he said, *You rob me* ; that is *English*, I thought.

Q. Is that all the *English* you understood he said ?

Hubbard. He pointed to Mr. *Ashley*, and said, *You got my Ducat* ; and I heard him say, *God stroaken*.

Q. What Answer did you make to that ?

Hubbard. I made him no Answer at all.

Q. Did not you say, *God d—n you, God Almighty bath nothing to do with such a Villain as you?*

Hubbard. I do not know or remember I said so.

Q. Did you not say so ?

Hubbard. I cannot tell whether I did or not say so ; I cannot tell, upon my word.

Q. Did he say any other *English* Words ?

Hubbard. He worked himself up into a Passion ; I heard him ask for Water and Bread, and I helped him to what he asked for ; He called me *Con-stoople*.

Thomas Mayhew's Evidence.

Thomas Mayhew. I live at *Witham* ; I was charged by the Constable, on the 7th of *October* at Night, with *Simons*, in the Constable's House, to take care of him ; which was the first time I ever saw him : I came with him to *Chelmsford*, to the *Saracen's-head*. We set out on the *Tuesday* Morning, and got there between Twelve and One : Mr. *Ashley* was backwards and forwards several Times in the Room where *Simons* was : There was *Isaac Hubbard*, and one *Richard Taylor* ; there were six or seven of us, and I believe near eighteen or twenty People in the Room ; there was one *Eleanor Brown*, and one *Hughes*.

Q. Where

Q. Where is *Hughs* now ?

Mayhew. I do not know where he is. I fixed my Eyes upon the Jew, and never took them off; he had three Fingers together, and his Thumb, and extended his Little-Finger; they were on his Belt or Girdle; and while Mr. *Ashley* was wanting to know what was said, as he was talking to Mr. *Newman*, the Jew lifted up the Right-hand Flap of Mr. *Ashley's* Right-hand Pocket, with his Right-hand, and clapped something in after this Manner (*holding his Fingers in the Manner mentioned, and making a Motion with his Hand*). I saw something shining yellow, like Gold: While Mr. *Ashley* was listening, I saw the Jew look about to see who perceived him; his Hand was out in a Moment, and his Fingers in the same Manner again on his Sash; then he shook his Hands in this Manner (*shaking both his Hands extended*) and said, *You rob me my Money, my Gelt.* Some People did then blame the Jew. Mr. *Ashley* said, What does he mean? Some People said, you have robbed him of his Money. He said, he was surprized. Then Mr. *Newman* searched Mr. *Ashley's* Left-hand Pocket, and pulled out a Pocket-book, and some Papers: The Jew pointed to him, *Not there, this Pocket, the other Pocket*, pointing to it, which was the Right Pocket: Then Mr. *Ashley* took out a Handkerchief first, and one Ducat fell from it; he laid the Handkerchief on the Table; then he searched again, and pulled out some Half-pence, and some Walnuts; and there came out two more Ducats, which he produced upon the Table.

Q. What said the Jew to this ?

Mayhew. He seemed to be in a great Flutter. Just after this, Alderman *Gascoyne* came in; then Mr. *Ashley* told the Alderman what passed; the Alderman said it was a very wicked Affair, and said

said he would seal the Ducats up, which he did. The Constable asked the Alderman if it was proper to iron or hand-cuff him; the Alderman replied, By all means, make him as secure as possible. He was ordered to *London*.

Q. In what Language did the Jew say they were his Ducats?

Maybew. He said it in *Dutch*.

Q. Did you understand him?

Maybew. No, I did not.

Q. How do you know it then to be so?

Maybew. I heard Alderman *Gascoyne* say so. He went to *London*, and I went back to *Witham*, and was at Home by Nine o'Clock.

Cross-Examination.

Q. Was you charged by the Constable at their first coming to *Witham*?

Maybew. No, Sir; I lodged at Mr. *Hubbard's* that Night.

Q. Was you at the *Blue-Posts*?

Maybew. No, I was not.

Q. Was he searched at the Constable's?

Maybew. No, he was not; *Daniel Hughes* and I sat up with him all Night.

Q. Did you hear it given out, that he was a Highwayman?

Maybew. No, I did not.

Q. Was you subpoenaed at the last Affizes?

Maybew. I was.

Q. Was you called?

Maybew. No, I was not.

Q. Did you attend the Court then?

Maybew. I did all the time.

Q. Do you know why you was not called?

Maybew. I do not know the Reason.

Q. Did you tell Mr. *Ashley* you could swear this before the last Affizes?

Maybew.

Maybew. Yes, Sir, I did.

Q. Can you tell what that was you saw in *Simons's* Hands?

Maybew. I saw something shining; it looked like Gold; it was in his Right-hand.

Q. Was it a single Piece, or more?

Maybew. I cannot tell.

Q. In what Position was *Mr. Ashley* then?

Maybew. He had his Hands behind him, stooping.

Q. On which Side was the Jew?

Maybew. The Jew sat on his Right-side, by the Fire-side.

Q. Did the Jew get up?

Maybew. No, he did not; *Mr. Ashley's* Coat was close to his Hand almost.

Q. Did you see his Belt?

Maybew. I did, it was tied round him, under his loose Gown that he wore on his Shirt and Waistcoat.

Q. Whereabout in the Room were they?

Maybew. They were close to the Fire,

Q. Do you remember, on the other Trial, *Taylor* said it was next the Window.

Maybew. I believe he did say so.

Q. How long after the Ducats were found was it, that Alderman *Gascoyne* came into the Room?

Maybew. He came in, in about four or five Minutes after.

Q. Did you charge the Jew with this at that Time?

Maybew. No, I did not.

Q. Why did you not?

Maybew. I was going to inform *Mr. Ashley* about it; and he was in such a Flutter, I had not an Opportunity to inform him.

Q. When

Q. When was the first Time you thought fit to tell him ?

Maybew. I did, before I left the Room.

Q. Before whom ?

Maybew. Before *Eleanor Brown*, *Taylor*, and *Hughes*, and several.

Q. Did you tell Mr. *Ashley* every Circumstance before you left the Room ?

Maybew. I did, after the Ducats were sealed up.

Q. How came you not to make an Affidavit with the rest ?

Maybew. I was not called upon to do it.

Q. What Reason can you give, you was not called upon to give your Evidence, who was the best Witnesses of them all ?

Maybew. I cannot tell.

Eleanor Brown's Evidence.

Eleanor Brown. I have been Cook at the *Saracen's Head* in this Town these four Years.

Q. Give my Lord and the Jury an Account of what you know of this Matter ?

Brown. I went into the Room where the Jew was ; Mr. *Ashley* was talking to Mr. *Newman* ; the Jew was sitting on that Side the Fire next to the Window, on the Right-side of Mr. *Ashley*, who was on the Left-side, talking to Mr. *Newman*. I had not been there but a very little while, a Minute or two, before I saw the Jew's Hand go under the Flap of Mr. *Ashley*'s Right-hand Pocket ; his Hand was doubled up ; I saw him put his Fingers under it and lift up the Flap ; he stayed a little while ; then he called, *You, you, you, you robbed me, you got my Gelt, you have got my Ducats.* Mr. *Ashley* is a little deaf, I believe ; said Mr. *Newman*, do you hear what he says ; no, said he ; he says you have robbed him of his Ducats ; Mr. *Ashley* said, Bless my

my Soul ! what have I robbed him of ? Said Mr. Newman, satisfy him ; he said, I have nothing of his ; and went and talked to Mr. Newman again.

Q. Repeat the Expressions ?

Brown. He said, *You rob me, you got my Gelt, my Ducats.*

Q. Did he speak plain to be understood ?

Brown. Yes, very plain, that I could understand him ?

Q. Did he talk as plain as you do ?

Brown. No, not so plain.

Q. Proceed ?

Brown. Mr. Newman put his Hand into Mr. Ashley's Left-hand Pocket, and pulled out a Book and some Papers ; the Jew started up, and said, *No, no, my Mooney is not here, my Gelt is in this Pocket*, pointing to the Right-hand Pocket. Mr. Ashley said, I have nothing in this Pocket but a Handkerchief, some Walnuts, and Three-pennyworth of Half-pence. He pulled out his Handkerchief, and out dropped one of the Ducats ; God bless my Soul ! said he.

Q. Did you know it to be a Ducat ?

Brown. No, I never saw a Ducat before ; it was about the Bigness of Half a Guinea ; he laid it down on the Table, and said, God bless my Soul, if the Rascal hath not put Money in my Pocket ! he then pulled out Two more Three-pennyworth of Half-pence, and some Walnuts ; and said, Did you ever see such a Rogue ? Then I directly said, I saw him put his Hand to your Pocket. The Jew went like a Bear, *He has got my Mooney, my Ducat, my Mooney.*

Q. Which Hand did he make use of to put towards his Pocket ?

Brown. To the best of my Remembrance he made use of his Right-hand ; I made answer directly, and said,

said, I thought he put it in; for I saw his Hand under the Flap of your Pocket.

Q. Who were present?

Brown. There were several heard me say so; there were two of our Maid-servants, and several besides.

Q. What were the Maids Names?

Brown. *Sarah Penney* and *Sarah Crabb*; there was a great Noise in the Room; I do not know who heard me; there was *Daniel Gaines* in the Room.

Q. Did you see his Hand at his Belt?

Brown. No, I did not.

Q. How long was it before Alderman *Gascoyne* came in?

Brown. I cannot tell.

Q. Was it three Quarters of an Hour?

Brown. No, it was not; the Jew was in a Passion with me, because I said, I saw his Hand at the Pocket. He burst into such a Passion, I did not understand him; but I never saw a Man in such a Passion in my Life. I quitted the Room before Alderman *Gascoyne* came in.

Cross-Examination.

Q. How many People were there in the Room?

Brown. I cannot tell, there might be Ten or more.

Q. Were there Twenty, do you think?

Brown. There might be Twenty.

Q. Do you know Mr. *Rayment*?

Brown. I do, he was in the Room; but I do not know whether it was before the Money was found, or afterwards.

Q. How was his Hand doubled?

Brown. His Fingers were closed and his Thumb under them; and when Mr. *Ashley* pulled the Money out, the Jew said, *Look ye there, he got my Money, my Geld.*

Q. Did he speak plain?

Brown. He said, *Ducats, Gelt, Mooney*; and looked pleasant when he saw Mr. *Ashley* had his Money. He was not angry 'til I came to speak.

Q. Whereabouts in the Room was you?

Brown. I stood against the Door, that is, side-ways as we come in.

Q. Where was the Jew?

Brown. He sat next the Window, on the Right-hand.

Q. How near was you to the Jew?

Brown. I was pretty near him; I stood all the Time at the Door, and that was but a very little Time.

Q. Can you be certain which Hand the Jew made use of?

Brown. I cannot be certain.

Q. Was he sitting or standing?

Brown. He was sitting; but he burst out afterwards and arose up.

Q. Did you understand him?

Brown. I understood every Word he said, 'til when he was in a Passion, then I did not understand a Word of that.

Q. Did not you say on the last Trial, the Jew did not speak one Word of *English* all the Time?

Brown. No, I did not.

Q. Where was Mr. *Ashley* at the Time?

Brown. Mr. *Ashley* was on his Right-hand, about a Yard from the Window.

Sarah Penney's Evidence.

Sarah Penney. I live Cook at the *Saracen's Head*; I was backwards and forwards in the Room; I saw the Jew make several Attempts to Mr. *Ashley's* Pocket. He held his Hand up to his Right-hand Pocket; Mr. *Ashley* stood, and the Jew sat by the Fire-side, next to him, on the Right-hand Side; he

he arose out of his Chair, and shewed his Hand to Mr. *Ashley's* Pocket.

Q. What Posture was his Hand in ?

Penney. I cannot say that, I did not take particular Notice ; he touched his Pocket-lid several Times.

Q. Did you see his Hand under the Pocket-lid ?

Penney. No, I did not ; I heard *Eleanor Brown* say, she saw his Hand under Mr. *Ashley's* Pocket-lid.

Q. What did the Jew say to Mr. *Ashley* ?

Penney. He told him, he had robbed him, and he had got his Gelt, his Ducats ; saying, *You got my Gelt, you got my Ducats ; you rob me.* The Jew was very angry ; but most with *Nell Brown*, because she told him, she saw his Hand up to the Pocket. He was before pleased at seeing the Ducats ; he jumped up and said, *They are my Gelt, they are my Ducats.*

Cross-Examination.

Q. How many People were there in the Room ?

Penney. I cannot tell, sometimes it was pretty full and sometimes pretty empty.

Q. Was you a Witness here last Time ?

Penney. I was not, I never was examined before.

Q. Did you tell them before, you could give the same Account ?

Penney. I did.

Q. Was you in the Court during that Trial ?

Penney. I was not.

Q. If the Ducats had not been found, should you have taken notice of your seeing his Hand towards the Pocket ?

Penney. No, I should not ; I was reaching over the People's Heads ; I was not so near them as *Eleanor Brown* was ; I was just at the going in at the Door.

Q. Did you know Mr. *Ashley* before ?

Penney. I have seen him at our House before several times.

Q. Was it, that he put his Hand to the Pocket, with an Intent to put something in, or take out, do you think ?

Penney. I do not know.

Council for the King. The Gentlemen have been talking, whether it was for pilfering, or putting any thing in ; do you think it was for any Good ?

Penney. No, Sir, I think it was not.

Council for the Defendant. What Words did you understand which he mentioned ?

Penney. I could understand *Money* and *Ducats*, very plain.

Q. How near was *Eleanor Brown* to him ?

Penney. She was close to him.

Daniel Gaines's Evidence.

Daniel Gaines. I live in this Town, and am a Sadler ; I was at the *Saracen's-head* at this Time ; I cannot particularly remember the Day ; Mr. *Rayment* and I went in together ; there was *Hubbard*, and *Eleanor Brown*, and others ; I was not there at the Beginning ; but when he charged Mr. *Ashley* with a Robbery, we went directly in. Something was taken out of Mr. *Ashley's* Left-hand Pocket, when they were searching that Pocket ; they held it up to the Jew, and asked him if it was his ? He put out his Hand, as if he meant, No ; but pointed to the Right-hand Pocket, and said, *Here be mine Gelt, mine Gelt be here* : They searched the Right-hand Pocket ; Mr. *Ashley* pulled out a Handkerchief, and a Ducat fell down on the Ground ; then he put in his Hand again, and pulled out some Walnuts, and some Half-pence, and Two Ducats more. Mr. *Ashley* seemed much surprized, and almost frightened out of his Wits, and said, The Jew was a very great

great Villain ; or, Was there ever such a Villain ! The Jew jumped up, and seemed very much overjoyed ; but I cannot recollect one Word I could understand. I was sent for away at that Time Home ; I heard *Eleanor Brown* fall a swearing at the Jew very much, calling him Rascal, and that he ought to be hanged, and I do not know what all ; because she looked upon it, he put them in the Pocket ; she said, That Villain hath put the Ducats into your Pocket.

Cross-Examination.

Q. Where was you when you heard the Jew had charged *Ashley* with a Robbery ?

Gaines. I was in the Kitchen, that joins to a little Room, and I heard a Noise ; then we went into the Room directly, else we had not went into the Room.

Q. Did you see the Handkerchief taken out of the Pocket ?

Gaines. I was in the Room then and saw it.

Q. How near was you to the Jew ?

Gaines. I was almost touching the Jew's Chair.

Q. Is this the same Account you gave on the other Trial ?

Gaines. It is.

Sarah Crabb's Evidence.

Sarah Crabb. I am Chamber-maid at the *Saracens's-head* in this Town ; I was in the Room, and heard the Jew say to Mr. *Ashley*, *You have got my Gelt, my Ducats ; my Ducats, my Gelt*, in broken *English*, so as I could understand him ; Mr. *Ashley* did not understand what he said ; he asked what he said ; Mt. *Newman* told him he said, he had got his Ducats, he had robbed him ; and asked him to let him feel in his Pockets : Then Mr. *Newman* put his Hand into Mr. *Ashley's* Left-hand Pocket, and pulled out a Pocket-book, and held it up :

The Jew said, *My Gelt be in the Right-hand Pocket, my Gelt, my Gelt* : Then Mr. *Ashley* pulled out his Handkerchief, out dropped a Ducat : The Jew flew out of his Chair, and seemed flushed with Joy, and said it was his *Gelt* ; a Man held him down in his Chair : Then Mr. *Ashley* said, That Rogue hath put this Money in my Pocket ; then he put his Hand in his Pocket again, and pulled out Two Ducats, and some Walnuts : I saw *Nell Brown* hold up her Fift at him, and said, she saw his Hand at his Pocket several Times ; and I heard her tell Mr. *Ashley*, when he came into the Kitchen, she saw him put his Hand to his Pocket several Times. Mr. Alderman *Gascoyne* came into the Room ; he sealed them in a piece of Paper. That is all I know.

Cross-Examination.

Q. Do you understand *High-Dutch* ?

Crabb. No, I do not.

Q. What Language did the Jew speak ?

Crabb. He spoke broken *English*, but so plain as I understood him very well.

Q. What Time of the Day was this ?

Crabb. I believe it was after Dinner, but I cannot say what o'Clock it was.

Q. Had you heard rumoured, before you went into the Room, that he had charged *Ashley* with a Robbery ?

Crabb. No, I had not.

Q. How big is the Room ?

Crabb. It is not a very large Room. The Jew sat in a Chair by the Window all the time I was in the Room ; Mr. *Ashley* stood almost close by him.

Q. Did you observe any thing he did ?

Crabb. I did not observe him, but only what he said.

Q. What

Q. What did he say ?

Crabb. He said, *You got my Ducats, you got my Geld*, several Times : Mr. *Ashley* is very thick of hearing.

Q. How do you know that ?

Crabb. He hath spoke to me several Times, and I to him, before.

Q. Was you in the Room when Alderman *Gascoyne* came in first ?

Crabb. I was, but went away soon after he came in ; I came in again, and saw them sealed up.

Mr. Cornelius Norton's Evidence.

Mr. *Cornelius Norton*. Mr. *Newman* gave Evidence here on the last Trial ; I have taken out a Process against him to subpœna him ; I left it in *London*, in order to have him subpœnaed ; after I came away, we made all possible Endeavours, by Day and Night, in order to serve him with it.

The EVIDENCE in Behalf of the DEFENDANT.

The Evidence of Israel Levi.

(*Being a Polander, and not understanding English, David Hart was sworn Interpreter, and spoke as follows.*)

Israel Levi. I am a *Polander* ; I know *Henry Simons*, he is a Merchant, he bears an exceeding good Character, and deals for upwards of One Thousand Pounds a Year.

Q. Do you think he is a Person that would be guilty of such a Crime as is laid to his Charge ?

Is. Levi. No, I do not think he would ; he is a worthy, honest Man ; I came over with him from *Holland* to *England*, and then saw his Girdle about half full of Money.

Q. Did you count them ?

If. Levi. No, I did not ; but I believe there were about Four or Five hundred of them : I remember I was in the Boat, and Mr. *Simons* was in the Pacquet ; he squeaked out and made a Noise ; *Higbam Levi* was in the Boat at the same Time ; I desired him to go and see what was the matter ; I followed him, and saw the Officer looking at his Money : I came as far as *Colchester* with him, there we kept our Sabaoth together ; I there borrowed some Money of him, Three Ducats, which he took out of his Girdle.

Q. Could he speak *English* then ?

If. Levi. No, he could not speak one Word of *English* ; when he wanted Bread, or any thing, he was forced to make use of Signs.

Q. When did you land ?

If. Levi. We landed at *Harwich* about Twelve Months ago : He came to me when he set out for *Bristol* from *London*, and took his Leave of me ; and when he returned, he came in a bloody Condition, and said he had been robbed ; then I lent him Half a Crown ; he begged I would lend it him : At that Time he went from one Person to another to beg and borrow : I know he pawned his Veil.

Q. Is it not customary among the Jews, to part with their Veil the last Thing they do ?

If. Levi. It is ; it must be very great Extremity that causes them to part with that. I took my Leave of him when he set out for *Harwich* from *London* ; I believe all the Money he had then about him was Half a Crown I lent him, and Half a Crown another Person lent him.

Q. Do you believe he had any Ducats then ?

If. Levi. I cannot say that I believe he had.

Cross-Examination.

Q. Do you know whether *Simons* was ever in *England* before this Time?

If. *Levi*. He was, about Seven Years ago.

Q. Was you here at that Time?

If. *Levi*. I was not.

Q. Was he here above once before?

If. *Levi*. I never knew that he was.

Higham Levi's Evidence.

Higham Levi. I came over from *Holland* to *Harwich* with Mr. *Simons*; I never saw him in my Life before; I cannot say the exact Time we came over, it was in the Paquet; his Belt was then about half full of Ducats.

Q. How many would it hold, do you think?

Hi. *Levi*. It would hold above a Thousand.

Q. What sort of a Belt was it?

Hi. *Levi*. It was a long Belt, about a Yard long; he carried it, as *Polish* Jews all do, round his Waist under his Cloaths, over his Shirt; I saw the Officer take it to search it.

Q. Can they take any Ducats out without taking the Belt off?

Hi. *Levi*. They may take a few out without taking it off, but that is troublesome.

William Peace's Evidence.

William Peace. I am a Custom-house Officer at *Harwich*; *Simons* the Jew came over, I think, the 8th of *August*, to *Harwich*; I searched him; he had a Belt round him; I examined it, the Money came out at one End; it was tied with large Strings at the End; I took the Belt off him myself; there was a black Wrapper on the Outside of it; the Money lay in the Middle of it; when I saw it was Money, I delivered it him again: He did not understand *English*; he said, *Myn Gelt*.

Moses Jacobs's Evidence.

Moses Jacobs. I have seen several of these Belts, and have had this very Belt of *Simons's* in my Hand; they wear them round their Body; there is a String to draw and tie it together like a Purse, and they buckle on; there is no way of getting at the Money but at the End where it is put in; the String may be loosed while it is on the Body, but it is very troublesome to take Money out without taking it off.

Q. Can it be done in Three Minutes?

Jacobs. It cannot; the Money lies behind, at the Back. *Simons* was at the Synagogue that very Day he set out to go to *Harwich* for *Poland*; I saw him there; he came to my House that very Day.

Q. Did you see any Ducats he had then?

Jacobs. No, I believe he had none; if he had had any he would have come to me; I am a Goldsmith, if any of our People want Ducats, or foreign Money, they generally come to me for it.

Berend Abrahams's Evidence.

Berend Abrahams. I live in *Houndsditch*; I know *Henry Simons*; I remember his coming to *London* about a Year ago; on the 14th of *August* he came to my House; he set out on the 20th to go to *Bristol*, and returned the 22d or 23d of *August*, about a Week before he set out and returned again; this was the second Time he lodged at my House.

Q. Did he bring any Money to your House?

Abrahams. He did; I was present when my Wife counted the Money over, there were Five hundred fifty-four Ducats; he put them into a long Bag, with a Buckle to buckle it round the Body. When he set out the second Time, I went with him as far as *Piccadilly*, and there parted from him.

Q. When did you see him again?

Abrahams.

Abrahams. I saw him again the nex Day; he cried, and said he had lost his Money, saying, he had been robbed at *Cranford-Bridge*.

Q. Did you examine the Belt?

Abrahams. I did; there was not a Farthing in it: After that, I trusted him with Victuals and Lodging about a Month: He sent me to sell his Silk Gown for him; which I did, in *Monmouth-street*, for Seven Shillings; he paid me the Seven Shillings, which he owed me, and I gave him a Shilling again; he begged Charity from one House to another, and also pawned his Veil for One Pound.

Q. What is the Use of the Veil?

Abrahams. It is to put on when we go into the Synagogue to pray; we never sell them unless we want Victuals.

Cross-Examination.

Q. Do you know any thing of *Simons's* being in *England* before this Time?

Abrahams. I do, it was about Seven Years ago.

Q. Hath he been here above once before?

Abrahams. No, he hath not; the first Time he bought some Goods, and he then went to *Bristol*; he came from *Harwich* the same as he did now.

Q. How long time might he be in *England* the first Time.

Abrahams. About Three Months.

Q. Do you think he was possessed of Ducats at his going away this last Time?

Abrahams. I do not believe he had the Quantity of one Ducat.

Council for the Defendant. If he had Two or Three, do you think he would go to put them into Any-body's Pocket?

Abrahams. No, I do not think he would be such a Fool.

Q. Was

Q. Was he publicly about, between the Time of the Trial of *Goddard*, and the Time of his going to *Harwich*?

Abrahams. He was every Day, he was every Morning and Night, before the Synagogue, and asking Charity about.

Q. to *Moses Jacobs*. Did you lend *Simons* any Money?

Jacobs. I did, Thirty Shillings. He first borrowed Seven Shillings and Six Pence; at another Time Fifteen Shillings: It was in order to carry on the Prosecution against *Goddard*. The very last Day he was going away, he came to me, and said, Here is your Money; then he paid me Three Half Crowns, and I gave him Half a Crown back.

Moses Franks, Esquire's Evidence.

Mr. *Moses Franks*. I know *Simons*, and have seen him frequently between the Trial of *Goddard* and the Time of his going out of Town, begging Charity about; Any-body might have taken him if they pleased. He was extremely poor; I saw him the Morning before he went away; I gave him Half a Crown, he appeared a poor unhappy Wretch, miserably poor all the while.

Cross-Examination.

Q. Did not the People assist him?

Mr. *Moses Franks*. I believe he might now and then have Half a Crown given him; our People knew nothing of him then, 'til they sent to enquire about him, and then they found him to be a Man of strict Honesty.

Naphtali Franks, Esquire's Evidence.

Mr. *Naphtali Franks*. I knew nothing of the Man 'til after the Robbery.

Council for the King. Do you contribute towards the carrying on of this Trial?

Mr. *Naph. Franks*. I do.

C. Pro-

C. Proceed ?

Mr. *Naph. Franks.* Some People thought him an honest Man, some thought not ; after hearing his Character from Abroad, and that he brought a great deal of Money with him, by a Letter that was sent, and other Information from People which came from *Holland* to *Harwich*, and the Story that the Man told of bloody Wounds he had received, it made People pity him. As soon as I found he was an honest Man, and that his Wife and Family must starve in that Country from whence he came, unless he returned ; we thought it just to assist him, as he was thus oppressed. This was the real Motive for our so doing, and it still subsists. As to what has been said about his talking *English*, I do not believe he understands a Sentence of six Words in *English* : Whenever I have had occasion to speak to him, I have been forced to have a Servant of mine to interpret for him to me.

Q. Do you think he understands *English* enough to charge a Person with the Affair of this Robbery ?

Mr. *Naph. Franks.* Not in *English* ; I do not think he does.

Q. Do you think he could understand *Eleanor Brown*, when she talked to him ?

Mr. *Naph. Franks.* No, I do not think he could.

Q. Do you think he understood the Meaning of the Word Money.

Mr. *Naph. Franks.* I believe he may.

Q. Do you think he knew the Meaning of the Word Villain ?

Mr. *Naph. Franks.* I do not think he can understand it ; Me swear, that is *English* ; *Sbwarning*, is a German Word too.

Q. Was

Q. Was he seen very often in public, between the Time of the Trial of *Goddard* and his going towards *Harwich*?

Mr. *Naph. Franks*. He was, he hath been often at my House begging Charity; I do not think he ever intended to conceal himself from Justice; neither do I remember I heard, at that Time, of any Warrant against him. He hath come to my House as in the utmost Distress, in the greatest Agonies, exclaiming against *Goddard*, and complaining of the cruel Usage he had met with. I have given him Alms.

Q. Do you take him to be an honest Man?

Mr. *Naph. Franks*. He is, he seems to me to be a religious Man, particularly so; it would be the last Distress he could be reduced to, to make him pawn his Veil; nothing but wanting a Mouthful of Bread would bring him to do that.

Q. You have heard what the other Evidences have said, such as, *You robbed me, you robbed me, you have got my Ducats*; Do you think he could speak this in *English*, as they have expressed it?

Mr. *Naph. Franks*. No, I think he could not; if he did speak at all, it must be in *Dutch*.

Q. *You have got my Gelt in your Pocket*; what is your Opinion of that?

Mr. *Naph. Franks*. I think he does not know what *Pocket* means, there is no Affinity between the German Word *Sac* and the *English* Word *Pocket*.

Q. Do you think he was worth Three Ducats when he was going to leave *England*?

Mr. *Naph. Franks*. No, I do not think he was.

Cross Examination.

Q. What was his Complaint to you when he came for Charity to you?

Mr.

Mr. *Naph. Franks*. He complained, as a Man that had been injured and robbed; and the good Opinion I had of him hath grown much, the longer he hath staid in the Kingdom.

Q. Did you know him before, when he was in *England*?

Mr. *Naph. Franks*. I never knew him 'til after he was robbed.

Q. Do you think all these People who have sworn, as to his charging Mr. *Ashley* with a Robbery, are perjured?

Mr. *Naph. Franks*. I beg to be excused giving my Opinion as to that; I do not know whether it is safe.

Council for the Defendant. Sir, you may give your Opinion as to that Question.

Mr. *Naph. Franks*. Then, I believe Mr. *Ashley* is very much so.

Mr. *Lazarus Simon's Evidence*.

Mr. *Lazarus Simon*. I have known *Simons* since the Affair of *Goddard*, and not before; I first saw him at the Synagogue, he gave an Account he had been robbed and beat; we were surprized which way he should come by the Money; after this, they indicted him for Perjury; all this before we supported him. After we had great Reason to think he had been robbed and ill-treated, we did support him, as we thought him innocent; had we believed him guilty we should not. Mr. *Ford*, *Goddard's* Solicitor made a Proposition to us, that he would drop the Indictment for Perjury against him, if we would. I am Overseer of the Poor; the poor Man came crying and telling how unhappy he was, that he had spent his Money after the Trial, and was obliged to pawn his Veil, and, I think, three Shirts. He turned out all his Pockets, there was not one Farthing in them. I do solemnly declare, that
when

when he went to go out of the Kingdom, I believe he had not the Value of a Ducat in Money about him. Then he said he was going back to *Holland*.

Q. Did he talk to you in *English*?

Mr. *Simon*. No, he talked to me in the *German* Language; he does not understand *English*; when People have been talking *English* he hath desired to know what they have said; I do not think it possible he could speak so much *English*, as they on the other Side have said. I have enquired of People that come from that Part he does; they say, he is an honest Man, and that he acted at Home as a Broker, and sometimes as a Merchant.

Q. What is your Opinion of him as to Honesty?

Mr. *Simon*. I believe he is an honest Man, or I would not assist him.

Cross-Examination.

Q. Where did he first apply to you?

Mr. *Simon*. When I was at the Vestry he represented himself to me as an Object of Charity, and I gave him some Money out of the Poor's Box; we ordered him a Crown; he said he wanted to go Home.

Q. Do you believe he was not worth a Ducat when he was going Home?

Mr. *Simon*. Upon my Oath I do not believe he was.

Q. Do you think it possible for a *German* to come into this Country and not understand a Word of *English*?

Mr. *Simon*. I know a Man, a *German*, in *England*, Fourscore Years old, that does not understand a Word of it.

Council for the Defendant. Is Half a Crown or a Crown sufficient for a Person to travel Home from *England* for *Harwich*?

Mr.

Mr. *Simon*. We sometimes have given a Person but a Shilling to carry him to *Harwich*; they have their Passage for nothing.

Q. When he turned out his Pockets, did he shew you his Girdle?

Mr. *Simon*. He did; it was empty.

Mr. *Simon David's Evidence.*

Mr. *Simon David*. I saw *Simons* after he was robbed; he wanted a little Money to go on with the Prosecution against *Goddard*; saying, he could not pay the Council or Attorney. He was begging, and crying, and wringing his Hands, and said, he had No-body to take his part; so he received some Charity; some gave him Half a Crown; I assisted him with Three Guineas to carry that Cause on.

Henry Keys's Evidence.

Henry Keys. I understand the *Dutch* Language; I know Mr. *Simons*, the first Time that I saw him was that very Day that he was robbed in the Morning, at the House of Mr. *Goddard*: I knew him from that Time to the Time he left *London* to go to *Harwich*; he was really in a miserable Condition: I do not believe he was worth Half a Crown in that Time, except it was collected by Gentlemen. He applied to me to interpret for him; I went with him to Justice *Chamberlayne* to obtain two Warrants, one to take up *Goddard* and the other to search his House. Then Mr. *Simons* could not speak a Word of *English*, and I question whether he could speak two Words of *English* when he set out for *Harwich*. I am positive he could not express such Words as *Eleanor Brown* says he did; nor could he understand her what she hath mentioned in Court, *Neet myn Gelt*, is not my Money.

Q. What is *Mynbeer*?

G

Keys.

Keys. It is *Sir*.

Q. Mr. *Ashley* has declared, it is all from a public Spirit he acted; how does it appear to you?

Keys. He was noticed as one to be Bail for *Goddard*, and he did appear before Justice *Chamberlayne* for that Purpose. As to his taking upon him to say, he hath been in *Holland* and never saw a Ducat; I have been in *Rotterdam* and *Zeeland*, Gold Ducats are the current Coin there; therefore I must beg his Pardon, if I say, I cannot believe him: he must have seen some if he hath changed any Money there. He would have it, that Mr. *Simons* wanted to charge him with being concerned with *Goddard* in robbing him. I have heard *Simons* declare often, Was the other Person to stand before him, he should not know him; which he declared before Justice *Chamberlayne* that same Day divers Times.

Q. Did you ever see the Jew publicly about, after the Trial of *Goddard*?

Keys. I have, he went publicly about; I saw him just before he went away.

Joseph Isaac's Evidence.

Joseph Isaac. On the 6th of *October* last, which was on a *Sunday*, I went from *London* for *Colchester* Fair, which begins on the 10th; when I came to *Bow* I overtook *Simons*; *Ashley* met us pretty near the *Rising-Sun* in the *Ilford* Road; he drew up to us and said, Are not you the Jew that was robbed at *Cranford-Bridge*? He gave him no Answer; he asked him once more; then he put his Whip out of his Right-hand into his Left, and put his Right-hand into his Pocket and pulled out a Handful of Ducats, and said, Ducats, Ducats, Are not you the Man that was robbed at *Cranford-Bridge*? *Simons* and

and I were close together, and *Ashley* drove his Chaise cross the Way, very near us, he could not be nearer ; at last he doubled his Fist and held it out at him, and said, I will have you ; and went off. I asked *Simons* if he knew him, he said, No.

Q. Are you certain they were Ducats he held in his Hand ?

Isaac. I am, I know Ducats from other Gold.

Q. How long did he stop ?

Isaac. He stopped six or seven Minutes.

Q. How near was you to *Simons* ?

Isaac. I was very close to him ; *Ashley* said nothing to me ; I asked *Simons* where he was going when I overtook him ; he said, he brought a great deal of Money to *England*, and now he was obliged to go out of *London* with only Money enough to bear his Expences to *Harwich*.

Q. Was you in the Foot-path ?

Isaac. There was no Foot-path, we were in the Highway.

Q. What Time of the Day was this ?

Isaac. This was about Four o'Clock in the Afternoon on the 6th of *October* ; we parted at *Ilford* ; on the *Tuesday* Morning, I went from this Town towards *Witham* ; about a Mile and a Half on this Side *Witham* I met *Simons* again, and a Constable ; *Simons* said in *Dutch*, They have taken me Prisoner : the Constable said to me, Can you talk *Dutch* ? I said, Yes ; then he said, You shall not speak to him, and pushed me away : after that, *Ashley* and another Man came in a Chaise.

Cross-Examination.

Q. Was the Chaise Mr. *Ashley* was in a high or a low Chaise ?

Isaac. It was a very low Chaise.

Q. Did he rise up to take the Money out of his Pocket

Isaac. He moved a little, but did not stand on his Feet, but continued sitting; he shewed me the Money very low.

Q. to Hubbard. Did you meet this Man near *Witbam*?

Hubbard. I met several People on the Road; I cannot say I met this Man; I think I did not meet this Man.

Isaac. About Half an Hour after I met them, I went to Breakfast in *Hubbard's* House, and his Wife told me the whole Story.

Q. to Asbley. Did you meet this Evidence when you met *Simons*?

Asbley. I declare, in the Presence of Almighty God, there was no Man with *Simons*; and every Tittle that this Man says, as I hope for Salvation, is false, as there is a God in Heaven! Christ have Mercy upon us! It was not so dark but I could distinguish a Man, if there had been any; as I hope to be saved, I did not produce my Money; I call God to be my Witness; my Chaise is a very high Chaise.

Isaac. It is a Single-horse Chaise, and a very low Chaise.

Q. How came you to say, it was about Four o'Clock?

Isaac. I went out from *London* at Three; I met *Asbley* about four Miles from *London*; it might be about a Quarter past Four o'Clock; the Sun shone; it was, I believe, above an Hour high.

Asbley. It was dusk before I went from *Ilford*.

Mrs. Frances Bourne's Evidence.

Mrs. Frances Bourne. I keep the Post-House at *Witbam*; I remember Mr. *Asbley's* coming to my House in the Month of *October* last; I do not know the Day; I had some Conversation with him about
meeting

meeting the Jew on the Road ; I remember he told me he was going between *Ilford* and *Stratford*, he met the Jew, and stopped the Chaise, and talked with him, and asked him if he remembered *Goddard* ; and likewise either shewed or mentioned Ducats to him, I cannot say which ; and likewise put his Finger to his Throat, to signify something about his Throat being cut by *Goddard* ; and he said, the Jew did not seem to understand him, and therefore he drove to *London* in order to get a Warrant to take him up.

Thomas Foley, *Esquire's Evidence.*

Mr. *Thomas Foley*. I was at Mrs. *Bourne's* House ; I cannot say the Day of the Month, but I know it was the Day before the Quarter-Sessions ; Mr. *Ashley* was there ; there was a Cry of, Highway-man : I had the Curiosity to ask *Ashley*, what the Jew had done, as they brought him there : He said, he had got a Warrant against him, to have him tried for Perjury in the Case of *Goddard* : He said he had been at *Ingatestone* about Business ; and going back again, he met the Jew ; that he either put his Hand in his Pocket, or to his Pocket ; and mentioned Ducats ; and asked him, if he knew *Goddard* ? and the Man made no Answer. At that Time, he said, he was writing a Letter to Mr. *Goddard*, to let him know he had taken the Jew : Some-body came and told him, the Jew was ready to be searched ; so he went out of the Room.

Mr. Thomas Ford's Evidence.

Mr. *Thomas Ford*. Some time in the Beginning of *October* last, Mr. *Ashley* came to my House, and told me he had met Mr. *Simons* on the *Essex* Road ; I do not remember what Part of the Road : He understanding I had a Warrant to take him up,

said, if I would give it him, he would get it executed, if I would suffer one of my Clerks to go along with him.

Q. Did you desire him to go ?

Mr. Ford. No, I did not ; he offered it, and particularly, for the sake of Public Justice : I should not have asked him to have went, if he had not offered it ; he offered to go, as a Friend of *Goddard's* : I remember I then made use of such an Expression, That I thought he did well in doing it.

Q. Who was the Warrant taken out by ?

Mr. Ford. It was taken out by some of my Clerks ; it was brought up to me by Mr. *Newman*, and I named him to go with Mr. *Ashley*.

Q. Who did you deliver the Warrant to ?

Mr. Ford. I delivered it to Mr. *Ashley's* own Hand, at his Application ; he mentioned my sending one of my Clerks with him ; he was not in my House above three or four Minutes ; there were two Men in my Room at the Time I was told he was below ; one of them, I think, was Mr. *Clark*, the other Mr. *Russell* ; I do not remember I went even out of my Office ; I was concerned for Mr. *Goddard* for the Prosecution for Perjury.

Q. Was it in the Forenoon or After, that he came to you ?

Mr. Ford. It was, I believe, about One o'Clock, but I am not sure.

Cross-Examination.

Q. Did Mr. *Ashley* look as if he came off a Journey ?

Mr. Ford. He did ; and he looked a little discomposed in his Countenance.

Q. Where is Mr. *Newman* now ?

Mr.

Mr. *Ford*. I have recommended him to Mr. *Smith* at the *Crown-Office*, about a Month or five Weeks, but he is at my House occasionally.

Q. When did you see him last?

Mr. *Ford*. He was at my House last *Tuesday*, all Day long almost.

Mr. Henry Creswell's Evidence.

Mr. *Henry Creswell*. I met Mr. *Ashley* and Mr. *Newman* when they were upon this Expedition; Mr. *Ashley* being acquainted with Mr. *Johnson*, who was with me, he asked him, how he did; and what Business that Way; he told us; he had got a Warrant upon an Indictment for Perjury against *Simons*, and he was in pursuit of him, in order to apprehend him. Mr. *Johnson* told him, he believed he might as well let it alone; he might fish in troubled Waters; and advised him not to proceed any farther; and expostulated with him a good deal, and told him, the Jew had sworn nothing against him, but *Goddard* was the proper Person to pursue him, if any: But he was pretty warm, saying, he would follow him to the last, or to the utmost. Then Mr. *Johnson* and Mr. *Ashley* took a little Turn for about ten or twelve Minutes; what passed I cannot tell; when they returned, I found Mr. *Johnson* advising him to desist, saying, he might get into Trouble. I think *Ashley* had reflected a little upon it; and he proposed he would go no farther: Soon after that, he relapsed again, and said he would pursue; and said, he believed *Goddard* was a very honest Man, and that the Jew was a Rogue and a Villain, and a very bad Man; and that he would pursue him for the sake of Public Justice. I saw him again in the Forenoon following; he was sitting at the *Saracen's-head* in this Town; there was *Hubbard*

the Constable, and two or three more, bringing the Jew up the Town; they pushed him into the *Saracen's-head*; they went into the back Room, I followed them; they had a good many hard Words, calling him a Villain, and Rogue; the Jew fell a crying, and lamented his Fate very much.

Q. Who used those Words to him?

Mr. *Creswell*. *Hubbard*, and *Mayhew*, and others; the poor Creature had a good deal of Uneasiness: I took a Turn out, but was backwards and forwards very often in the Room; but was not in the Room at the Time of the Ducats being found, but came in after they were sealed up; the People were saying, he put Ducats into Mr. *Ashley's* Pocket, but I heard nothing about charging *Ashley* with robbing him; the Jew seemed under great Uneasiness that such a Thing should be charged upon him.

Q. Did you see the Warrant?

Creswell. I did; there was *Essex* and wrote upon it.

Q. Who had the Warrant?

Mr. *Creswell*. *Ashley* had it, and *Hubbard* was then in Company.

Mr. William Prior Johnson's Evidence.

Mr. *William Prior Johnson*. On the 7th of *October* last, being the Day before the Quarter-Sessions, I saw Mr. *Ashley* at the *Red-lion* at *Ingatstone*; he mentioned to me he had a Warrant against the Jew: We had a little Conversation about it; I advised him, not to give himself any Trouble about it: I thought once I had prevailed upon him; but at last he would go: I took him by himself, and said, Why do you intermeddle so much? He said, *Goddard* was a very honest Man, and that the Jew was a very great Rogue; and as *Goddard* lived on the Western Road, he thought
it

it might be of Service to him, if he was assiduous in it, in his Trade among the Innkeepers on that Road.

Luke Claxton's Evidence.

Luke Claxton. I was going of an Errand for my Master on Horseback; I met Mr. *Ashley* and Mr. *Newman* in a Post-Chaise; they asked me, if I had met a Jew with a long Beard on the Road; I said I had come up a Lane into the Road. I went on my Errand; and as I returned, I asked them the Reason why they asked me; they told me to ride on, and see if I saw him, for he was a Highwayman: I rode on about a Quarter of a Mile, and saw him; I turned, and asked them if they would swear he was a Highwayman? they said, Yes, a Highwayman, a Highwayman, take hold of him. There was a Lad with a Cart came to my Assistance before they came up with the Post-Chaise; when they came, they said he was a Highwayman: We took him to *Witham*; Mr. *Ashley* said he was a Highwayman, and we should search him for Knives: I was by when he was searched; they felt in all his Pockets, but I saw nothing taken out.

Q. Did they pull off any of his Cloaths?

Claxton. I cannot tell whether they did or not.

Q. to Mr. *Foley.* Did you talk with Mr. *Ashley* about the Jew being searched?

Mr. *Foley.* I asked him if they found any Arms upon him; he told me that was not what they searched him for, they searched him for Ducats; I asked him if they found any; he said, No, he found only One Shilling and Nine Pence Half-penny.

The Reverend Mr. John Tindal's Evidence.

The Reverend Mr. *John Tindal.* Some time in *October* last, Mr. *Ashley* and another Person came to the Coffee-house at *Chelmsford*, and desired me

to

to indorse a Warrant, as a Justice of the Peace ; I looked upon it, and found it signed by Alderman *Gascoyne* ; I asked Mr. *Ashley* and the other Person, whether there was Any-body that could prove the Hand ; he said, there was ; it was proved, and I indorsed it. There was a great Rumour before the Coffee-house Door ; Mr. *Ashley* said, Sir, I must beg you would commit this Man. I found, at the same Time, the Constable of *Witham*, and other Persons, were using him in such a Manner as I never saw a Murderer or a Highwayman. I addressed myself to the People, and asked them, whether they were *Barbarians*, or not ; and told them, they appeared like an *English* Mob, to use a Foreigner so. Then I turned to Mr. *Ashley*, and asked, what he wanted with me ? He said, I desire you would commit this Man. The Jew was coming close to the Steps ; I said, I have no Business to commit him, you must carry him to the original Jurisdiction. Said he, Sir, who is to defray the Expences ? Said I, See you to that. I saw the poor Jew much distressed ; I asked him, if he was a *Portuguese* ; having been in *Portugal*, and could talk a little of the Language : I found he knew no Language I could understand ; I tried him in *English* and *French*, and could not make him understand one Syllable : He appeared in the greatest Agonies that ever I saw, or any Man could express ; at last, he took hold of my Breeches Pocket, and said, *Ducats, Ducats, Ducats, Ducats*, very loud : Some-body said, He is going to swear you robbed him of Ducats ; said I, He hath just said enough to let me know, he is the poor Jew that was robbed of Ducats by *Goddard*, as we have seen in the public Papers. Some By-standers accused him of saying, *I robbed him* : He took hold
of

of my Pocket as I was on the Steps and he below. After that, I said to the Peace-Officer, Be who you will, if you do not take care of this Man, and behave better, I will be at the Trouble and Expence of calling you to an Account. The poor Fellow took hold of the Rails, and was very unwilling to go; they dragged him from me in that violent manner, that if he had had his Hand a little more in through the Rail, he must have had his Arm broke all to pieces.

2. Did you hear Mr. *Ashley* give an Account of the Words the Jew said? Whether, from the Experience you have of his Language, he understood that?

Mr. *Tindal*. I did think at that Time, and I do still, that the Man did not understand one Word of *English*; absolutely, I could not get one Word from him.

Crispe Gascoyne, Esquire's Evidence.

Mr. Alderman *Gascoyne*. I went to *Chelmsford* about some Business, but did not come there, to the *Saracen's-Head* (the House where I always put up at) 'til all was over. Just before I got off my Horse, there were a Crowd of People calling out, Here is Alderman *Gascoyne* come; the Jew is taken up upon your Warrant. I went up Stairs, and in a very little time came down again; *Ashley* spoke to me, and said, I have got the Jew. I met Mr. *Tindal*, he said, The poor Jew is in Custody; the Affair hath been the Subject of much Inquiry; it would be kind of you to go in and examine him. I went in; the Jew stood in the Corner of the Room; *Ashley* told me, this Rogue, the Jew, hath put Ducats into my Pocket, and pretends to swear a Robbery against me; I will indict the Fellow, or the Rascal, for a Conspiracy. Some-body called out,

out, Search him. *Asbley* told me, that the Cook and other People saw him put his Hand into his Pocket; and that when they were searching him (*Asbley*) the Jew pointed to his Pocket, saying, Not that Pocket, but the other; and that, amongst his Walnuts, he found Three Ducats, and begged of me to see them. I thought it a very odd Circumstance; I searched the Jew; I believe never Man was searched nearer; there was, I believe, Two Shillings or Half a Crown, and some Half-pence found upon him; He looked in very great Concern, and was in great Agony; I spoke to him in the little *Dutch* that I understood; after I had tried him, and could not make him understand *English*, I asked him, whether he could speak *Dutch*; he jumped from the Corner of the Room through all the People, rushed upon me with great Eagerness, and still kept on in his own Language with all the Joy he could express, for that Somebody had spoke to him in a Language he understood; he jumped to me and hugged me; the People cried out, Stand away you Rascal, you want to pick the Alderman's Pocket: Said I, Let the Man alone; sit down. After that, I had the Curiosity to ask him, how he could be such a Rogue (I then was a little suspicious, this Man having been talk'd of in *London*, but I never saw him before) to go to put Ducats into Mr. *Asbley*'s Pocket; he answered in *Dutch*, I have no Ducats; *Goddard, Goddard, Goddard, bath my Ducats*. I asked him some other Questions, and as he answered me, I gave his Answers to Mr. *Asbley*; there were several People told me he had charged Mr. *Asbley* with a Robbery; when I asked him in *Dutch*, he said, *Lee* (that is) *false*, his Words were, *Neet myn Ducaten, Mynbeer*: Before I could give the Reply to the People in *English*, they said, Look ye there, the
Dog

Dog says, they are his Ducats; he owns they are his Ducats. I asked him, if he did charge *Ashley*; he denied it as strongly as a Man could do; he called God to Witness, and most heavily complained, and appeared in great Affliction, and expressed the greatest Innocency in the Affair.

Q. Did you hear Mr. *Ashley* give his Evidence here?

Mr. Alderman *Gascoyne*. I did not; being of the Grand Jury, I was attending with them.

(The Council repeats the Words Ashley said he made use of.)

Mr. Alderman *Gascoyne*. I do not think he was Master of such Words as these; he could not understand all my Words, in the little *Dutch* I have.

Q. Who told you he had charged *Ashley* with a Robbery?

Mr. Alderman *Gascoyne*. *Ashley*, *Newman*, and several of them told me so; I am certain all this was from their mistaking and misunderstanding of his Language.

Q. It hath been said, you gave the Advice to iron him; Was it so?

Mr. Alderman *Gascoyne*. I think the Constable said to me, He is a terrible or a sad Fellow, and asked me whether he might fetter him; my Reply was, No, why fetter him, the Man is secure enough, it is a Crime that isailable; but if you are not secure, the Keeper of the Goal will lend you a Pair of Handcuffs; but I do not see what Danger you are in. I do acknowledge I had been prejudiced against the Jew, but when I went away I was much altered.

Q. Was you at the Trial at the *Old Baily*?

Mr. Alderman *Gascoyne*. No, I was not; but my

my Prejudice arose about a Blow given him on his Head, which was there said to be given him by a Person near a Turnpike, a Week before ; but that Matter hath been cleared up in a latter Trial at that Place.

Q. to Mrs. *Bourne*. Was the Jew searched at your House ?

Mrs. *Bourne*. He was, by the Order either of *Ashley* or *Newman* ; I saw him all unbuttoned to his Shirt, and they searched his Pockets ; they found some Halfpence and some Silver.

Q. Did you see the Girdle on ?

Mrs. *Bourne*. I did not ; I believe *Ashley* said to me afterwards, they searched him for Arms or Money.

Thomas Banbrick's Evidence.

Thomas Banbrick. I remember the Jew being searched, by the Order of Mr. *Ashley* ; I heard him give the Constable the Order ; he was searched very closely : they unbuttoned his Cloaths, but took none off ; they found some little matter of Silver and a few Halfpence ; but I did not see the Money.

Q. What did they say they searched him for ?

Banbrick. To see if there was any Weapon about him, such as a Knife or Pistol.

Mr. Golding Greggs's Evidence.

Mr. *Golding Greggs*. I was at the *Saracen's-Head* at the Time the Jew was in Custody ; he uttered something to me quite unintelligible, Somebody asked what it was ; *Hubbard* said it was, God's Will be done ; *Hubbard* further said, with some Imprecation, God Almighty had nothing to do with such a Villain as he. I thought then *Hubbard* acted as an Interpreter for the Jew, and at such Times he would address himself to the Company in general.

Q. Did

Q. Did his Interpretations gain any Credit ?

Mr. *Griggs*. With People that knew as little of that Language as I, it did.

Mr. Richard Rayment's Evidence.

Mr. *Richard Rayment*. I was backwards and forwards in the Room at the *Saracen's-head* at that Time ; all I heard him say of *English* was, *Floish*, *Vater*, *Brode*. I tried him, and it is all I heard him speak.

Mr. James White's Evidence.

Mr. *James White*. I was in the Room likewise, I heard him cry, *My Floish*, very plain, when they handcuffed him : it is all I heard.

Mr. James Clarke's Evidence.

Mr. *James Clarke*. I was there likewise, I heard him call out for Water.

Q. How did he express it ?

Mr. *Clarke*. He said, *Vater*, and when he was handcuffed he said, *Floish* : it is all I heard.

Higham Levi's further Evidence.

Hi. *Levi*. About a Month after the Trial of *Goddard* I was sent for to my Brother-in-Law's House ; his Name is *Jacob Abrahams*, in *Duke's-Place* ; I went, there was Mr. *Ashley*, I did not know his Name then, he was sitting in a Corner and had a new Tankard before him ; I drank with him ; he said, he wanted a Wig made by me ; said I, What sort ? he said, Such a one as I have on ; and asked what I would make one for ; I looked at that and said, Five Guineas ; he said, I do not think you can afford such a one for the Money, for he paid more for it ; and said, he would give me six. Then he said, I believe you have sworn to a great many Things for *Simons* that are not true ; and asked me, if I came over with him : At last he said, You swore to a very great Lie before Justice

Justice *Fielding* about the Sum of Money; I said, I never was before Justice *Fielding* in my Life: I was in the *Old Baily*, but did not swear to the Sum, Then he made a Computation on a Piece of Paper, of what Five hundred fifty-four Ducats, at Nine Shillings and Sixpence a Piece, came to. He said, I was a great Rogue and he would shew me to be such; he took out of his Pocket some Ducats, and asked my Brother-in-Law for a Pair of Scales; he weighed one Ducat, and laid another upon the Table; he said, they wanted One Shilling and Sixpence of what I swore: said I, You give yourself many Airs; said he, I am a Silversmith, and came to bring some new Silver to your Brother-in-Law's: I thought there was some Roguery in it, so I went away. There was my Brother's Wife there and *Elizabeth Ward*, she let me out at the Door, she was the Servant at that Time; I went away to the *Polander's* Lodgings, and asked him if any of his Ducats had Holes in them; seeing these Two had that he shewed me; the *Polander* said, There were about Twenty of them had, which his Wife used to wear about her Neck.

Elizabeth Ward's Evidence.

Elizabeth Ward. I lived with *Jacob Abrahams*, in *October* last, in *Duke's-Place*; I remember *Higham Levi* came there; I had seen Mr. *Ashley* there two Times; the last Time was with *Higham Levi*; Master was there then; then I saw some Pieces of Gold upon the Table, some large, and some the Size of a Half-Guinea (*She is shewed Two Ducats*, and says, they were not like them, neither could swear what they were) I let *Higham Levi* out of the House; he said to me, There is a Piece of Rogery in it, and I will have nothing to do with it (*She points to Ashley*, and says, she knows him very well.

Mr.

Mr. Thomas Gurney's Evidence.

Mr. Thomas Gurney. I was here the last Affizes. *Mr. Ashley*, in answer to what *Higbam Levi* hath now said, then declared, calling God to Witness, that he had not been in *Duke's-Place* for Five Years.

Margaret Gough's Evidence.

Margaret Gough. I lived with *Jacob Abraham's* in *Duke's-Place*; I saw *Mr. Ashley*, a little before *Christmas*, with his Hat flapped, with a light grey Coat, at Master's House; he was there again two or three Days after that: I remember he looked at a Silver Soop-spoon, and a Silver Pint Mug.

Cross-Examination.

Q. How do you know it was about *Christmas-time*?

Gough. Because I went there to live about three Weeks before *Christmas*, and I did not like the Characters of the People, so I would not stay, but went away two Days before *Christmas*.

Mrs. Frances Bourne to the Character of Thomas Mayhew.

Mrs. Bourne. I know *Thomas Mayhew*; I know Characters are of great Consequence, and to meddle with them is a tender Point; but, as I am called I must speak the Truth: he is a Man of a very indifferent one; He is of no sort of Business, but is an idle drunken Fellow.

Further Evidence for the King, in order to prove the Defendant's speaking English.

Thomas Ford's Evidence.

Thomas Ford. I live in this Town, and am a Barber; I saw the Jew handcuffed, and, to the best of my Knowledge, he said, *You hurt my Floish*.

Joseph Revil's Evidence.

Joseph Revil. I live in this Town—He said just the same, with this Alteration; *Oh, my Floish*.

Isaac Hubbard's further Evidence.

Hubbard. I heard him say, *Oh, my Floish, oh my Floish*; he asked also for Water, Brandy, and Wine.

Q. How did he express the Words?

Hubbard. He said, *Vater and Brandy-vine.*

Council. That is Water and Brandy in his own Language.

James Ashley's further Evidence in Answer to Higham Levi.

Ashley. I call Heaven to Witness, that it is all as false as God is true in Heaven: I have not been in *Duke's-Place*, for, I am sure, six, seven, eight, or twelve Years; I never saw that Man (*Higham Levi*) in my Life 'til last Assizes; every Tittle he hath said, I call God to Witness, is entirely false, as God is my Saviour.

*Witnesses produced to the Character of James Ashley.**John Reynolds's Evidence.*

John Reynolds. I live in this Town; I have known Mr. *Ashley* fifteen or sixteen Years, and have dealt with him nine, for hundreds of Pounds; he dealt always very fair and honest, when I have left it to him.

William Newman's Evidence.

William Newman. I have been acquainted with him nine or ten Years.

Q. What Character does he bear?

Newman. I never heard any thing bad of him in my Life; whenever I gave him Orders it came accordingly.

Joshua Smart's Evidence.

Joshua Smart. I have dealt with him this dozen Years; he is a very honest Dealer.

Appleyard's Evidence.

Appleyard. I have known him more than twenty Years, and have had constant Dealings with him; I always found him very honest.

Robert

Robert Daking's Evidence.

Robert Daking. I live in this Town, I have known him some Time, and have dealt with him seven or eight Years in Brandy and Rum.

Q. What is his general Character?

Daking. A very good one.

Charles Harman's Evidence.

Charles Harman. I am a Publican in this Town; I have known him near five Years, and have dealt with him; he always behaved well in every thing, according to what I wrote for.

*John Ellice's Evidence to the Character of
Elizabeth Ward.*

John Ellice. I live at Dockhead, Surry; I have known *Elizabeth Ward* about ten Years.

Q. What is her general Character?

Ellice. It is a very infamous one.

Q. Should you credit her on her Oath?

Ellice. No, I should not; I only happened to see her in Court.

Cross-Examination.

Q. Did you come down with Mr. *Ashley*.

Ellice. I did, but I am an utter Stranger to him.

Robert Dingley's Book
 Robert Dingley. I live in this town, I have
 known him some time, and have dealt with him
 seven or eight years in brandy and rum.
 Q. What is his general Character?
 A. A very good one.

Charles Lumsden's Book
 Charles Lumsden. I am a Librarian in this Town;
 I have known him near five years, and have dealt
 with him; he always behaved well in every thing.

John Ballantyne's Book
 John Ballantyne. I have known him some time, and have dealt
 with him; he always behaved well in every thing.
 Q. What is his general Character?
 A. A very good one.

Q. Should you credit her on her Oath?
 A. No, I should not; I only happened to
 see her in a Court.

Q. Did you come down with Mr. M...?
 A. Yes, I did, but I am an elder sister to

